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Joint Committee of the Senate and the House of Commons  
on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone  
and  
Mr. Noël Dorion, M.P.

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## MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

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WEDNESDAY, MAY 20, 1959

WEDNESDAY, JUNE 3, 1959

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### WITNESSES:

Honourable Ellen Fairclough, Minister of Citizenship and Immigration,  
and Superintendent General of Indian Affairs; Mr. Laval Fortier,  
Deputy Minister of Citizenship and Immigration; and Mr. H. M.  
Jones, Director of Indian Affairs.



## MEMBERS OF THE COMMITTEE

### FOR THE SENATE

Hon. James Gladstone,  
*Joint Chairman,*  
Hon. W. A. Boucher,  
Hon. D. A. Croll,  
Hon. V. Dupuis,  
Hon. M. M. Fergusson,  
Hon. R. B. Horner,

Hon. F. E. Inman,  
Hon. J. J. MacDonald,  
Hon. L. Methot,  
Hon. J. W. Stambaugh,  
Hon. J. G. Turgeon,  
Hon. G. S. White—12.

### FOR THE HOUSE OF COMMONS

Mr. Noel Dorion, *Joint Chairman,*  
Mr. H. Badanai,  
Mr. G. W. Baldwin,  
Mr. M. E. Barrington,  
Mr. A. Cadieu,  
Mr. J. A. Charlton,  
Mr. G. C. Fairfield,  
Mr. G. K. Fraser,  
Mr. D. R. Gundlock,  
Mr. M. A. Hardie,  
Mr. W. C. Henderson,  
Mr. F. Howard,  
Mr. S. J. Korchinski,

Mr. R. Leduc,  
Mr. J. J. Martel,  
Mr. H. C. McQuillan,  
Mr. H. J. Michaud,  
Mr. G. W. Montgomery,  
Mr. R. Muir (*Cape Breton North  
and Victoria*),  
Mr. J. W. Murphy,  
Hon. J. W. Pickersgill,  
Mr. A. E. Robinson,  
Mr. R. H. Small,  
Mr. E. Stefanson—24.

Quorum—9

E. W. Innes,  
*Clerk of the Committee.*

- NOTE: (a) Initially, Honourable Senator Crerar was a member of the Senate section, but, on May 20, 1959, following the organization meeting, by order of the Senate, he was replaced by Honourable Senator Inman.
- (b) Honourable Senator Turgeon was a member of the Committee until June 3, when he was replaced by Honourable Senator Smith (*Kamloops*).

## ORDERS OF REFERENCE

HOUSE OF COMMONS,

WEDNESDAY, April 29, 1959

*Ordered*,—That a Joint Committee of the Senate and House of Commons be appointed to examine and consider the Indian Act, Chapter 149, R.S.C., 1952, and amendments thereto, and to suggest such amendments as they may deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, on the social and economic status of the Indians;

That twenty-four Members of the House of Commons, to be designated at a later date, act on behalf of the House as Members of the said Committee, and that Standing Order 67(1) of the House of Commons be suspended in relation thereto;

That the said Committee have the power to call for persons, papers and records and examine witnesses under oath; to sit while the House is sitting, and to report from time to time; and to print such papers and evidence from day to day as may be ordered by the Committee and that Standing Order 66 be suspended in relation thereto;

That a Message be sent to the Senate requesting that House to unite with this House for the above purpose, and to select, if the Senate deems advisable, some of its members to act on the proposed Joint Committee.

MONDAY, May 4, 1959.

*Ordered*,—That Messrs. Badanai, Baldwin, Barrington, Cadieu, Charlton, Dorion, Fairfield, Fraser, Gundlock, Hardie, Henderson, Howard, Korchinski, Leduc, Martel, McQuillan, Michaud, Montgomery, Muir (*Cape Breton North and Victoria*), Murphy, Pickersgill, Robinson, Small and Stefanson act on behalf of the House of Commons as members of the Joint Committee on Indian Affairs appointed April 29, 1959; and that a Message be sent to the Senate to inform Their Honours that the foregoing Members have been appointed to act on behalf of the Commons on the said Joint Committee of both Houses.

THURSDAY, May 21, 1959.

*Ordered*,—That nine members constitute a quorum of the Joint Committee of the Senate and the House of Commons on Indian Affairs, provided that both Houses are represented.

Attest.

LÉON J. RAYMOND,  
*Clerk of the House.*

## ORDERS OF REFERENCE

*Extract from the Minutes of the Proceedings of the Senate of Canada:*

TUESDAY, May 5, 1959.

With leave of the Senate,

The Honourable Senator Aseltine moved, seconded by the Honourable Senator Macdonald, P.C.:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to examine and consider the *Indian Act*, Chapter 149, R.S.C., 1952, and amendments thereto, and to suggest such amendments as they may deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, on the social and economic status of the Indians;

That the following Senators be appointed to act on behalf of the Senate on the said Joint Committee, namely, the Honourable Senators Boucher, Crerar, Croll, Dupuis, Fergusson, Gladstone, Horner, MacDonald, Methot, Reid, Stambaugh and White;

That the said Committee have power to call for persons, papers and records and examine witnesses under oath; to sit during sittings and adjournments of the Senate, and to report from time to time; and to print such papers and evidence from day to day as may be ordered by the Committee; and

That a Message be sent to the House of Commons to inform that House accordingly.

After debate, and—

The question being put on the motion, it was—

Resolved in the affirmative.

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WEDNESDAY, May 20, 1959.

The question being put on the motion, it was—

Resolved in the affirmative, on division.

With leave of the Senate,

The Honourable Senator Beaubien moved, seconded by the Honourable Senator Vaillancourt:

That the name of the Honourable Senator Inman be substituted for that of the Honourable Senator Crerar on the list of Senators appointed to serve on the Joint Committee of both Houses of Parliament on Indian Affairs; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.



WEDNESDAY, May 27, 1959.

The Honourable Senator Gladstone, Joint Chairman, from the Joint Committee of both Houses of Parliament on Indian Affairs, presented their first Report.

The Report was then read by the Clerk, as follows:—

WEDNESDAY, May 20, 1959.

The Joint Committee of the Senate and the House of Commons on Indian Affairs make their first Report, as follows:—

Your Committee recommend that 9 Members of the Committee constitute a quorum, provided that both Houses are represented.

All which is respectfully submitted.

JAMES GLADSTONE,  
*Joint Chairman.*

With leave of the Senate,

The Honourable Senator Gladstone moved, seconded by the Honourable Senator MacDonald, that the Report be now adopted.

The question being put on the motion, it was—

Resolved in the affirmative.

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WEDNESDAY, June 3, 1959.

With leave of the Senate,

The Honourable Senator Beaubien moved, seconded by the Honourable Senator Hayden:

That the name of the Honourable Senator Smith (*Kamloops*) be substituted for that of the Honourable Senator Turgeon on the list of Senators appointed to serve on the Joint Committee of both Houses of Parliament on Indian Affairs; and

That a Message be sent to the House of Commons to inform that House accordingly.

The question being put on the motion, it was—

Resolved in the affirmative.

Attest.

JOHN J. MACNEILL,  
*Clerk of the Senate.*

## REPORT TO THE HOUSE OF COMMONS

THURSDAY, May 21, 1959.

The Joint Committee of the Senate and the House of Commons on Indian Affairs has the honour to present the following as its

### FIRST REPORT

Your Committee recommends that 9 of its members constitute a quorum, provided that both Houses are represented.

Respectfully submitted,

NOËL DORION,  
*Joint Chairman*

# MINUTES OF PROCEEDINGS

WEDNESDAY, May 20, 1959.

(1)

The Joint Committee of the Senate and the House of Commons met for organization purposes at 10.10 a.m. this day.

*Present:*

*The Senate:* Honourable Senators Boucher, Crerar, Fergusson, Horner, MacDonald, Stambaugh and White.

*The House of Commons:* Messrs. Badanai, Cadieu, Charlton, Dorion, Fairfield, Fraser, Gundlock, Hardie, Henderson, Howard, Korchinski, McQuillan, Montgomery, Robinson, and Small.

On motion of Honourable Senator White, seconded by Honourable Senator Stambaugh, the Honourable Senator Gladstone was appointed the Joint Chairman representing the Senate.

Mr. Fairfield moved, seconded by Mr. Fraser, that Mr. Noël Dorion be the Joint Chairman representing the House of Commons.

Moved by Mr. Hardie, seconded by Mr. Howard, that Mr. Charlton be Joint Chairman representing the House of Commons.

Mr. Charlton asked that his name be withdrawn but this request was denied.

*Agreed*,—That nominations close.

Mr. Fairfield's motion nominating Mr. Dorion as Joint Chairman representing the House of Commons was resolved in the affirmative *on division*.

The Honourable Senator Gladstone, the Joint Chairman representing the Senate, was unavoidably absent.

Mr. Dorion thanked the Committee for the honor conferred on him.

The Orders of Reference were read by the Clerk of the Committee.

Moved by Mr. Fraser, seconded by Mr. Montgomery, that the Committee recommend to both Houses of Parliament that 9 of its members constitute a quorum, provided that both Houses are represented. *Carried on Division*.

On motion of Mr. Howard, seconded by Mr. Montgomery,

*Resolved*,—that the Committee print 1100 copies in English and 400 copies in French of its Minutes of Proceedings and Evidence.

On motion of Mr. Montgomery, seconded by Mr. Charlton,

*Resolved*,—That a Steering Subcommittee, comprised of the Joint Chairmen and 5 members to be chosen by them, be appointed.

*Agreed*,—That the Steering Subcommittee prepare a tentative agenda for this Committee setting forth

1. Number of meetings to be held each week and the time of those sittings.
2. Matters to be considered.
3. Persons to be called and heard.

A list of those persons and organizations presently wishing to make representations was referred to the Steering Subcommittee.

At 10.45 a.m. the Committee adjourned to the call of the Chair.



WEDNESDAY, June 3, 1959.

(2)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 3.40 p.m. this day. The Joint Chairman, Honourable Senator Gladstone and Mr. Noel Dorion, presided.

*Present:*

*The Senate:* Honourable Senators Gladstone, Fergusson, Inman, Smith (*Kamloops*).

*The House of Commons:* Messrs. Barrington, Cadieu, Charlton, Dorion, Fairfield, Fraser, Gundlock, Henderson, Leduc, Martel, McQuillan, Muir (*Cape Breton North and Victoria*), Murphy, Robinson, Small, Stefanson.

*In attendance:* Honourable Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Mr. Laval Fortier, Deputy Minister; Mr. H. M. Jones, Director of Indian Affairs Branch; and Mr. C. I. Fairholm, Executive Assistant to the Director.

Mr. Dorion welcomed Mrs. Fairclough and the departmental officials to the Committee's meeting.

The Minister made a short statement on the reasons for setting up this Committee and she mentioned a number of groups who have indicated that they wish to appear before the Committee. During her remarks she handed a number of briefs and submissions received by the Department, to Mr. Dorion.

The Minister was thanked by the Honourable Senator Gladstone.

The Deputy Minister mentioned certain documents which are being made available to Committee members. In the course of his remarks he referred to the expansion in the work being done and the increase in the money being spent to improve the living conditions of the Indian people.

The Director of Indian Affairs enlarged on Mr. Fortier's statement, supplying detailed data to emphasize certain points.

Mrs. Fairclough, Mr. Fortier and Mr. Jones were questioned.

The following documents were tabled and a copy was supplied to each Committee member:

(1) The Annual Report of the Indian Affairs Branch; and the Indian Act (*Regulations included*);

(2) Indian Treaties;

(3) Review of Activities, 1948-58 of the Indian Affairs Branch.

Mr. Murphy (*Lambton-Kent*) requested that, in future, when prepared submissions are to be presented, copies be made available to members of the Committee.

The following matters were referred to the Steering Subcommittee:

(1) Should the study now undertaken by this Committee be continued during the coming recess of Parliament? If so, in what manner?

(2) Preparation of an Order of Business—General topics under which this Committee's inquiry may be conducted.

*Agreed*,—That copies of the statements presented this day to the Committee by Mrs. Fairclough, Mr. Fortier and Mr. Jones, be prepared by the Department and distributed to members of the Committee.

At 4.40 p.m. the Committee adjourned to the call of the Chair.

E. W. Innes,  
*Clerk of the Committee.*

## EVIDENCE

WEDNESDAY, June 3, 1959.

3.30 p.m.

The JOINT CHAIRMAN (*Mr. Dorion*): Senators and gentlemen, I see a quorum. Would you come to order, please. This afternoon as our first witness before the committee we have the gracious privilege of welcoming the honourable the Minister of Citizenship and Immigration, Mrs. Ellen Fairclough. The hon. minister has agreed to make a statement respecting Indian Affairs Branch of her department.

Hon. ELLEN FAIRCLOUGH (*Minister of Citizenship and Immigration and Superintendant General of Indian Affairs*): Mr. Chairman, hon. Senators and members of Parliament. It is not my intention to make a statement with regard to this department because the deputy minister will be speaking to you shortly and the director will also speak to you with reference to the Department of Indian Affairs.

I would just like to say a few words with reference to this committee however. I have been very keenly interested in Indian Affairs ever since I took over this department and I have made somewhat of a study of the past history of the department and the legislation which has emerged from former consideration of the various acts which have governed Indian affairs in days gone by.

I notice it was well over ten years ago since the last committee sat, and it seems that in that space of time we might well have acquired new processes. In fact the Indians themselves might have an entirely different outlook on life to what they had when the last committee sat.

That committee, as you are aware, sat during three sessions of the house, and the report which they then brought down formed the basis for the new act which was brought in in 1951.

It is my hope that the deliberations of this committee will produce such suggestions as may work an improvement in the present act, and that we may be justified in making certain changes after the report of this committee has been received.

The announcement that it was to be set up has stirred up a considerable amount of interest across the country; and during the past several months a number of inquiries, briefs and requests have been received from Indian groups and from others with respect to the Committee on Indian Affairs.

Those who have written in have been informed that their representations would be brought to the attention of the committee as soon as the committee was under way.

Last February when I was in Calgary on another matter I had an interview with Mrs. Ruth Gorman, a barrister and solicitor of that city, who asked for an appointment to meet with me on behalf of the Indian Association of Alberta. At that time she presented me with a number of briefs having to do with amendments to the Indian Act and Indian administration.

She was advised that these would be turned over to the committee for consideration.

They are as follows:

- (a) Brief of the Indian Association of Alberta.
- (b) Petition re changes in the Indian Act, endorsed by Indians throughout Canada and 33 non-Indian societies.
- (c) Briefs of the Alberta Indian Advisory Board and the Friends of the Indians' Societies of Calgary and Edmonton.
- (d) Briefs endorsed by the Canadian Bar Association from 1955 to 1958.
- (e) Brief on education submitted to the Alberta government education commission by the Indian Association of Alberta.
- (f) Publication of the Friends of the Indians' Society entitled, "The Alberta Indian, his past, present, and future".
- (g) Miscellaneous newspaper clippings, reports and questionnaires.

In addition, the Indian Association of Alberta, through Mrs. Gorman, has expressed a desire to be heard before the committee.

These are just representations from one group of Indians. There have been a great many others who have expressed the desire to be heard by the committee. All of this information of course will be given to the chairman, and now I have great pleasure in just handing to the chairman the briefs which I have enumerated here.

I know these will give you food for thought. I understand arrangements will be made to hear those who wish to be heard by this committee.

I might just add that I hope all of you will enjoy sitting on this committee and I am sure that all of us will, as your deliberations proceed, gain a much more intimate knowledge of Indian affairs than we had before this—and when I say any of us had before, I mean with the possible exception of our co-chairman, Senator Gladstone.

I do not suppose this is a matter to be brought before the committee, but I cannot resist the temptation to tell you that last Saturday Senator Gladstone took the salute at a boy scout and girl guide parade in the city of Hamilton. It was a unique function. It takes place there every year; and this year the theme was that of honouring the North American Indian. Some 10,000 boys and girls passed in review before the Senator. He and his wife were decked out in their regalia, and they looked very beautiful in their white doeskin.

The Joint CHAIRMAN (*Senator Gladstone*): No, it was buckskin.

Hon. Mrs. FAIRCLOUGH (*Superintendent General of Indian Affairs*): They looked very beautiful indeed. And as he stood taking the salute, it was amusing to watch from the reviewing stand the boys and girls as they went by. As they approached the stand they were in a nice straight line, but as they passed by the Senator, that nice straight line sort of went wavy, like this. But the look in the children's eyes was well worth it.

On behalf of the association and the city of Hamilton I would like to thank you publicly, Senator Gladstone, for the sacrifice you made on that occasion. It was a never to be forgotten event.

It seems to me that the more we can encourage the Indians themselves to come forward and take part in the activity of all Canadians, the better it will be for them and of course the richer Canada will be from the experience. I wish you all well in the deliberations which will be undertaken in this committee and I hope that we will all of us be satisfied with the report when it is finally made.

Mr. MURPHY: Might I make two or three observations. Have the terms of reference—I was not at the previous meeting—but have the terms of reference been included in the minutes?



The Joint CHAIRMAN (*Mr. Dorion*): Yes.

Mr. MURPHY: They are included in the minutes of the last meeting. I was wondering if you have considered when these briefs are being presented to the committee if copies could be made available to the members of the committee.

The Joint CHAIRMAN (*Mr. Dorion*): Yes, I believe we have some documents which are now ready. Mr. Jones will be here and he will give us two sets of documents, I believe. They are very important and they constitute the basis of our work.

Mr. MURPHY: I was referring to the briefs or prepared statements that are going to be read into the record. I think it would be advisable if you would suggest that all the members have copies made available to them because there is a delay in getting the minutes printed.

The other question I was going to raise is this. Since this is early in June—and as the Minister said, the last committee or commission sat about three years—is it the intention to ask for power to sit as a committee or as a commission while the house is not in session?

The Joint CHAIRMAN (*Mr. Dorion*): I do not know now. I believe we might wait for a few meetings and after that we could decide. Let us see what progress we have made at that time.

Mr. MURPHY: I do not think you will be able to study the Indian Act.

The Joint CHAIRMAN (*Mr. Dorion*): That is a question to be referred to the steering committee, if you have no objection.

Now I would like Senator Gladstone to thank Mrs. Fairclough.

The Joint CHAIRMAN (*Senator Gladstone*): On behalf of the committee I would like to extend our thanks to the Superintendent General of Indian Affairs who was speaking to us, and I personally want to say that I enjoyed last weekend.

The Joint CHAIRMAN (*Mr. Dorion*): Have you any questions to put to the Hon. Minister?

Mr. FAIRFIELD: I wonder, since it was mentioned as a possibility that our meetings might be curtailed by the prorogation of parliament very shortly if there is any possibility of this committee being continued in the next session?

The Joint CHAIRMAN (*Mr. Dorion*): I believe we have not the power by ourselves, but with the consent of the house and that of the Senate it is possible during an adjournment.

Does the minister have any comment to make about it?

Hon. Mrs. FAIRCLOUGH (*Superintendent General of Indian Affairs*): I think it is a little early in the day to consider it now. I suggest we proceed with the work of the committee. Certainly well before prorogation we shall have an idea of the volume of work which is ahead, and I think at that time we could make such recommendation as might seem to be advisable.

The Joint CHAIRMAN (*Mr. Dorion*): Do you think that many of us would like to spend our holidays here? I thank you very much, Mrs. Fairclough. Have you any other questions to put to the minister?

Mr. FRASER: We are going to hear from Colonel Jones are we not?

The Joint CHAIRMAN (*Mr. Dorion*): Yes. Will Mr. Fortier, please come to the head table now.

Lt. Col. LAVAL FORTIER (*Deputy Minister of Citizenship and Immigration*): Mr. Chairman, Senator Gladstone, Mrs. Fairclough, hon. senators, and hon. members: with your permission, Mr. Chairman, may I say that we do not have copies of the documents that are tabled by Mrs. Fairclough.

Mr. MURPHY: Were these documents tabled or just handed to the chairman? They are not part of the minutes are they? They were just handed to the chairman. Why did you say they were tabled?

Hon. Mrs. FAIRCLOUGH (*Superintendent General of Indian Affairs*): I did not intend to table them.

Mr. FORTIER: They were returned to the chairman anyway. We do not have copies. They were handed to the chairman. What we have on this table, however, is this: we have prepared for every member of the committee first a review of the activities of the Indian Affairs branch since 1948, and also we have here copies of the act, copies of the regulations, annual reports and also copies of treaties with Indians.

All that is marked with the name of each member of the committee and they will be available for distribution. My understanding is that Colonel Jones, director of Indian Affairs, will have occasion to make a review of the activities of the Indian Affairs branch since 1948 and give some explanation of the organization of the branch.

Mr. MURPHY: You do not have copies of your presentation for the members of the committee?

Mr. FORTIER: No, and for this reason I would like to limit my remarks to certain facts which influence the life of Indians, and will influence their life in the future.

Although a good number of Indians will live in remote areas, away from the life of our Canadian communities, an increasing number of Indians now live closer and closer to our cities, townships and municipalities. The economic development of Canada has brought the Indians in more frequent contact with the white man. When it is not cities which are being built close to reserves, it is airports, lines of defence, railways, industries, and so on.

Hunting, trapping and fishing can no longer be considered the main occupation or "the" source of revenue for Indians. If some Indians have the good fortune of being members of a band that draw important revenue from mineral and oil royalties, quite a good number still live on reserves where land cannot be developed economically, or on which it is difficult for Indians to earn a living. Consequently, an increased number of Indians leave the reserves to find work in the "white" communities.

In view of these changes, Indians must, of course, be prepared to face the new conditions of life, but above all, the "white man" must learn to understand the Indians. One must remember that the Indian is of a civilization which is quite different from our modern way of life. Before the coming of the "white man", the Indian did not have to work as we understand it today to provide food and clothing for his family, for when food and clothing were necessary, he could hunt, trap and fish. It was not necessary; he could hunt, trap and fish. It was not necessary for him to provide for the future, and his way of living has not prepared him to make economies or have bank savings accounts. Nature surrounding him provided for all his needs.

In order to prepare the Indians to meet this new type of life, it is, of course, necessary to provide the best education possible for his children. For many years now this has been the policy of the branch, and Colonel Jones will give you some information as to the result of this program. In my opinion, before we really can see the result of this educational program throughout Canada, it will probably take another generation. It is very encouraging in the implementation of this program to note the interest of the Indian parents, and it can be said that, generally speaking, they are fully cooperating with the branch.

It may be interesting to mention, en passant, that the budget of the Indian affairs branch for education for the fiscal year 1948-49 was about

\$6 million. This year's estimates for education exceed \$25 million. It is true that the population has increased, but it is also true that there has been a great improvement in the school program and we have now better facilities to provide education to the Indians. It is also interesting to note that an increased number of Indians are receiving their education with non-Indian children. This should facilitate greatly their adaptation to the new life which they will have to face. We also have initiated, in recent years, courses for adults. These courses are mostly for vocational training and will help the Indians not only in finding work outside the reserves, but on the reserve itself. In order to assist Indians in finding employment, placement officers have been appointed. Very shortly we should have on our establishment, placement officers in every province where there is an Indian population. These officers, who are working in close cooperation with the national employment service, do not only assist Indians in finding employment, but also explain to the non-Indian employers the advantages of employing Indians. It is expected that through these placement officers, better job opportunities will be developed for Indians who wish to work outside reserves.

There is no doubt that there is still much to be done for the Indians, but it is also true that much remains to be done among the "white" communities where the Indian is too often looked upon as a ward of the crown or a second-class citizen. I am sure that if Indians were given similar chances in becoming educated and trained in trades and professions, and were treated as equals, they would, as any member of other ethnic groups in this country, prove that they are equally fit and able to achieve success. In fact, a good number of Indians have succeeded in their trade or profession and some have even attained international "renommé". They may be few who have had that opportunity, but with education and training, an increased number of Indians will be able to equal the achievements of other citizens of this country.

The logical sequence to education is to assist the Indian in developing his economy, and it seems to me that during the coming years more emphasis will be required towards that goal whether the Indians choose to reside on reserves or outside reserves.

In this year's estimates we have provided for the establishment of a new division in the Indian affairs branch the responsibility of which will be to look after the economic development of the Indians. Already the branch has endeavoured to develop the social and welfare conditions of the Indians, and this will continue to be required for some years to come. But this should not prevent the branch from taking the necessary steps to become better organized in order to assure a better economic development of the Indians. The budget for welfare in 1948-1949 was about \$2 million. In this year's estimates, the budget for the welfare of the Indians is close to \$9 million, while an amount of \$1 million has been provided for the new division, which would be responsible for the development of the economy of the Indians.

I would also like to mention that it is with great satisfaction that those responsible for the administration of Indian affairs noted in recent years, that a larger number of people belonging to what is called the "white man's" community, have become more interested in the welfare and economic development of the Canadian Indians. This is due in great part to the work done by the Indian affairs staff and the missionaries of different churches, whose lives are devoted to the Indians. But I believe that, without diminishing their credit, I should say that some credit must also be given to the staff of the citizenship branch of this department who have endeavoured to interest a greater number of voluntary agencies in the welfare of Indians. It would seem reasonable to expect that as more people become aware of the difficulties of



the Indians, there will be better opportunities to solve them. This interest and participation of the "white man" is needed, but it is my opinion that their activities would have to be carefully planned, for I think it would be a great error to attempt to impose the white man's views on the Indians.

However, a great deal could be achieved through a better understanding and by an exchange of views between the "white man" and the Indian. This has been our experience in Indian affairs. In fact, during the years 1955 and 1956, the director, some of his senior staff and myself have held meetings in different parts of Canada with Indian representatives. These meetings were informal and permitted frank exchanges of views between the administration and the Indians. We have learned of their difficulties; they have learned of our administrative problems and limitations. It is their affairs that we are administering. Therefore they should be given the opportunity of letting the administration know their views and needs. Speaking for the administration, I would say that these meetings have been of great benefit and assistance to the staff.

It is a standard instruction in Indian affairs that Indians must participate more and more in the administration of their affairs. Through those meetings we gave them occasion to participate, and I would hope that in years to come it will be possible for the administration to have more of these meetings with the Indians.

Before closing, as deputy head of this department, I would like to say that in the administration of Indian affairs I had the entire cooperation of the director and his staff, and also the collaboration of the Indians with whom I came into contact.

I wish to assure the members of this committee that the personnel of the Indian affairs branch will be available at any time for questioning, and I wish to assure you all that you can count on their entire cooperation.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you very much. I believe, before questions are asked, that it would be a good thing to call Mr. Jones immediately so that he may give us his statement. After that, if you have any questions to ask, Mr. Fortier or Mr. Jones they will be ready to answer.

Is it agreed that Mr. Jones be heard immediately?

Agreed.

Mr. MURPHY: I was going to suggest that these two briefs, in view of the delay in getting the printed minutes of our proceedings and evidence, might be mimeographed so that the members would have them in their hands tomorrow.

The JOINT CHAIRMAN (*Mr. Dorion*): Is it possible to have these statement mimeographed?

Mr. FORTIER: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): Colonel Jones.

Colonel H. M. JONES (*Director of Indian Affairs, Department of Citizenship and Immigration*): Mrs. Fairclough, Messrs. Chairmen, ladies and gentlemen of the committee, having first-hand knowledge of the magnitude and diversity of the problem being studied by this committee, the administration considers it appropriate to place at your disposal some background and basic information.

To this end I have brought with me for the use of each member a set of papers comprising the Indian Act, the regulations made under it, and also a copy of last year's annual report of the branch. These are also available in French. I will also leave with you sets of the various Indian treaties, numbered 1 to 11, and the Robinson Superior and Huron treaties. These, gentlemen, are on the nature of formal legislative or administrative documents to which you will no doubt constantly wish to refer.

In addition, we have prepared primarily for your use a brief review of branch activities covering the past decade. This is the yellow-covered document entitled "A review of Activities, 1948-1958, Indian Affairs Branch, Department of Citizenship and Immigration". The review is not an exhaustive account of activities but was intended to cover briefly some of the major fields which could be enlarged upon later if the committee so wished.

Since this committee was called together, additional statistics have become available and are provided in supplementary form attached to the back of each copy. Copies of the review and supplement in French will be available shortly from the printer.

If I may, I would like to elaborate on a few of the highlights which are contained in this review. There are three charts in the back of the review which I think you will find very interesting. The first chart shows the population trend since 1924. You will notice in the last ten years that the population has increased from 136,400 to 174,000 as at the end of December, last. The second chart outlines the organization of the branch, how it is composed from the minister and deputy down, how the branch is put together and how it is decentralized to regional offices. In this chart you will notice that in comparison with ten years ago something new has been added; that is the specialists. I refer to the social workers, placement officers, school inspectors, construction supervisors, fur supervisors, and so on.

In the realm of finance, you will be interested in reading that in the period 1948-1949 the expenditures of the branch were \$10,300,000. For the year just concluded the figure, subject to final audit, is \$36 million. I do not think it is any secret, since our estimates were the first to go through the house this year, that the 1959-1960 estimates for Indian affairs are well above the \$40 million mark.

The deputy minister mentioned the increase in expenditure for education. Ten years ago, in 1948-1949, it was \$5,400,000. For the period just concluded on March 31, 1959, it was \$22 million. What have those expenditures meant as far as the practical part applies to the Indian children? Well, the review indicates that in 1948 there were 23,285 Indian children attending school; in 1958-59, 38,836, or an increase of 65 per cent. Joint education—that is, of course, where we enter into agreements with a municipality to educate the Indian children side by side with the non-Indian children—has shown a tremendous increase: 1,406 Indian students in 1948-49, 8,186 for the fiscal year just concluded.

In the realm of higher education there were 611 Indian boys and girls going to high school 10 years ago; for the year just finished the enrolment was 2,144. The deputy minister mentioned the attempts by the branch to come to a greater and closer understanding of the Indians, and in the period under review there were three national conferences where Indians from all over Canada were invited to Ottawa to discuss their problems, and the Indian Act. There were 17 regional conferences, and I happened to be present at each one of the 17; Colonel Fortier was present whenever he possibly could be and just missed, I think, two. But we sat down with representative Indians, selected by themselves, and went over in general, for two or three days, the problems put forward by the Indians.

In the matter of democratic procedure, in the four western provinces in 1951 there were just nine bands under the elective system; now there are 227. That is the system where the act provides municipal government elections every two years for chief and councillors, and in the whole of Canada there are 344 bands under the elective system. I am sure the two lady members of



the committee and our minister will be interested in this little tidbit, that in 1948 an Indian woman could not vote or hold office. Now there are 61 Indian women holding offices, and I think three of them are chiefs.

In the field of welfare there has been a heartening change in the recognition of Indians for social welfare benefits right across Canada, and I just happen to mention old age security, old age assistance, blind and disabled persons allowances, which are shared by other than the Federal government. This review goes into detail with something that the minister mentioned in the house, where a new approach to direct relief was started on April 1. Also, the feeling that Indian affairs should attempt with the Indians to have available to them all the municipal, provincial and private agency services in connection with child welfare. That is dealt with, particularly the agreement with the children's aid society in Ontario.

In the field of rehabilitation we have the three authorized units at Edmonton, Brandon, and one in Saskatchewan that has just been started, and we are working in other provinces, to have this dominion-wide. I know something that will be of interest to every member of the committee, and that is the matter of housing. When we speak of welfare, we speak of education, we speak of medical services, and you cannot divorce housing from your thinking. In the past 10 years there were over 8,600 brand new housing units erected on Indian reserves, to which appropriation contributed in excess of—\$10 million. During the past year—as has been mentioned by our minister and by the deputy minister today—the concept of welfare has changed in Indian affairs, and an economic development unit set up. They have their own funds, their own staff, and it is completely separated from the welfare division, which in future will deal with what we know is the social welfare side of the Indian problem.

I think this economic development unit will make itself felt in the years to come. In the matter of Indian funds, the trust funds have risen from \$18 million to \$29 million in 10 years. That is their capital, and their income has increased from \$3 million to \$8½ million in that same length of time.

In the matter of voluntary enfranchisements, over 7,000 have been enfranchised in the last 10 years. That, of course, includes those who voluntarily apply for it and, secondly, the automatic enfranchisement of Indian women who marry non-Indian men.

Mr. Chairman, I would like to express my appreciation of this courtesy extended to me by the committee, and I hope that an opportunity will be given me at a later date to put forward my views on particular aspects, and in greater detail. May I say quite sincerely that those of us who are dedicated to this service know only too well the difficulties and obstacles inherent in it. For this reason, we are more than appreciative of the action of parliament in establishing this committee and will look forward with great expectation to its considered opinions.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you, Mr. Jones. We appreciate, not only your statement, but everything you have done in order to give us all possible information, and particularly the booklets you and your staff have prepared. Now is the time for the members of the committee to ask any questions they wish of Mr. Jones and Colonel Fortier.

Mr. MURPHY: Mr. Chairman, I wonder if we will also have a mimeographed copy of that presentation for the members?

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Jones, is it possible to have it for tomorrow?

Mr. JONES: A copy of my remarks?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Mr. JONES: We will have those ready for tomorrow.

Mr. MURPHY: While the minister is here: does the act include Indians in the Northwest Territories and the Yukon?

Hon. Mrs. FAIRCLOUGH (*Superintendent General of Indian Affairs*): Yes, it does.

Mr. MURPHY: And you have, then, of course, close relationship with northern affairs?

Mrs. FAIRCLOUGH (*Superintendent General of Indian Affairs*): Yes. I will have Mr. Jones explain in what way we manage our affairs up there, if you wish.

Mr. JONES: The minister is completely responsible for all the Indians in Canada, including the Yukon and the Northwest Territories; but some years ago the minister at the time entered into an agreement as provided for in the act with the commissioner of the Northwest Territories, in which the commissioner undertakes the education of the Indian children in the Northwest Territories, similar to other agreements.

Mr. MURPHY: Does that apply to the Yukon as well?

Mr. JONES: No.

Mr. MURPHY: What about the Yukon?

Mr. JONES: We are responsible for that, with the exception of any joint arrangement the minister may make in the municipalities of Whitehorse, or Dawson, with the commissioner, or for individual schools.

Mr. FRASER: May I ask a question, Mr. Chairman? The deputy minister mentioned that the Indians in Newfoundland did not come under this act; is that right?

Mr. FORTIER: That is right.

Mr. FRASER: Why not?

Mr. FORTIER: Because they are not Indian, as defined in the Indian Act.

Mr. FRASER: They are not Indians?

Mr. FORTIER: That is right.

Mr. FRASER: Do you do anything for them at all?

Mr. FORTIER: What we have done so far—since Newfoundland has joined Confederation there has been some capital payment to Newfoundland for certain projects for Indians over there.

Mr. FRASER: May I ask a question of Colonel Jones? In regard to the Indians in the Northwest Territories and the Yukon, I understand they are allowed to vote. Why leave out, then, ones on the reserve?

Mr. JONES: That is one of the interesting things this committee will deal with; but there are not any reserves in the Northwest Territories.

Mr. FRASER: I understand that.

Mr. JONES: That is the answer.

Mr. FRASER: That is the reason—

Mr. JONES: They are not ordinarily resident on a reserve.

Mr. FRASER: But, still, you look after them?

Mr. JONES: Yes; but they have the federal vote.

Mr. FRASER: Suppose these people move off a reserve: if they were not in the same spot, they would keep the vote, because they would be enfranchised; but they would lose your interest?

Mr. JONES: Lose our interest? If they have established residence off a reserve, they are making a way—

Mr. FRASER: They are making their own way?

Mr. JONES: That is right; they would be entitled to any treaty payments each year, but that is only \$5 a head, so it does not amount to too much.

Mr. CADIEU: Veterans on a reserve have a franchise, have they not?

Mr. JONES: And their wives. To further answer Mr. Murphy, we pay the cost of any joint agreements with anybody else except the Northwest Territories; that does not come under our vote; that would come under the northern administration and lands branch vote.

Mr. MURPHY: That is what I wanted to get.

Mr. JONES: Yes.

Mr. MURPHY: That is, if there are schools built for Indians, say, in the Northwest Territories—Indians, we will say, and Eskimos—what participation is there between your department and Northern Affairs?

Mr. JONES: In the building of schools?

Mr. MURPHY: Yes—the education, we will say.

Mr. JONES: Through this arrangement between the commissioner and the superintendent general, they are carrying out their responsibility under the Indian Act of educating Indians.

Mr. MURPHY: It is under the Minister of Citizenship and Immigration?

Hon. Mrs. FAIRCLOUGH (*Superintendent General of Indian Affairs*): But in the Northwest Territories it comes under the Northern Affairs vote.

Mr. MURPHY: The point I am interested in is this—I think it is clear and I think it is important: the responsibilities are delegated by your department for that purpose, Mrs. Fairclough?

Hon. Mrs. FAIRCLOUGH: Yes.

Mr. MURPHY: Does that include welfare too, and all that sort of thing?

Mr. FORTIER: Just education.

Senator FERGUSON: What about medical services for Indians: do you have a responsibility?

Mr. JONES: That comes under the Minister of the Department of National Health and Welfare, the Director of Indian and Northern Health Services. We have nothing to do with that.

Mr. FRASER: May I ask a question, Mr. Chairman? Colonel Jones mentioned that there has been a new approach to direct relief. What did you mean by that?

Mr. JONES: It has undergone different trial stages; but possibly we always thought of relief as so many pounds of beans, lard, butter, and so on. That has been substituted by a system of dollar value, where the Indian woman can go in and order her own supplies, if she is on relief. Instead of the stigma that we are trying to get away from, the stigma of direct relief, they will have some say in what they buy, and in line with the minister's statement in the house, these good food rules have been specially prepared by the Indian and northern health service and Dr. Pett, the chief dietary expert. These are being distributed all across the country to assist the Indians and the field staff.

Then, of course, in selected areas we are going a step further, and Indian mothers will get a cheque direct for food only.

Mr. FRASER: A cheque that they can use only for food?

Mr. JONES: Yes, because we supply wood, fuel and housing in addition. This new approach is just country-wide based on what we think is an average comparable to the neighbouring municipalities, and the majority of them will come under the dollar value order. A selected few will be given the cheque direct.

Hon. Mrs. FAIRCLOUGH (*Superintendent General of Indian Affairs*): I think, Mr. Chairman, it might be as well to remember, when discussing welfare, that this is for food only, because it is not an amount that can readily be compared to the amounts which are paid for welfare in non-Indian communities, because it is not on the same basis.

Mr. FRASER: Those two cheques are good at the store, and you can cash them after?

Mr. JONES: They are government cheques.

Mr. McQUILLAN: Mr. Chairman, could you tell us which one of these treaties refers to British Columbia?

Mr. JONES: There are none west of the rockies. There are just a few Indians in the northeast corner of British Columbia that are under a treaty; the rest are not.

Mr. MURPHY: Since there are different or special departments of government interested, is there an interdepartmental committee, or how is that done? Is there some liaison by a special committee?

Mr. JONES: Yes, Mr. Chairman, we have a standing interdepartmental committee with the Indian northern health services, where the senior officials meet at least once a month and raise all their problems, because these Nurses and Doctors are living in the field, the same as our Indian superintendents. We have found that interdepartmental committee very useful, and it has carried on in the field with its own doctors and our regional supervisors.

We meet with Northern Affairs frequently, but not on a steady program, as with Indian and northern health services.

Mr. MURPHY: There is not an interdepartmental committee in Ottawa?

Mr. JONES: On Indian affairs, no.

Senator INMAN: What check do you have that the money is all spent for food?

Mr. JONES: We feel the Indian people are just as reliable as any other group of people.

If I may speak of family allowances, there was some hesitation in 1945 of giving the Indian the cheques, but we found that they accepted the challenge just as we expected they would; they were adults. Their record of mishandling family allowances corresponded—and I think Senator Ferguson would verify that—their record of mishandling family allowances, right from the start, was on a par with the non-Indian population.

Senator INMAN: Sometimes we had to pay the cheques to guardians.

Mr. JONES: I may say, the handling of direct relief is possibly the most difficult part of our administration; but we feel that, on the whole, the Indian will respond to this gesture of adult treatment and they will not abuse it. The ones who will abuse it are in the minority.

Mr. GUNDLOCK: Coming back to education, I wonder if you could give the number—at one point you gave the number of students, some 38,000, less some 8,000 with agreements with municipalities. Does that include the number of pupils in the Northwest Territories, which Northern Affairs handles?

Mr. JONES: Yes.

Mr. GUNDLOCK: That is included?

Mr. JONES: Yes.

Mr. GUNDLOCK: The amount of money for education is not included?

Mr. JONES: I will check on this.

Mr. MACQUARRIE: Mr. Chairman, are we going to establish a method of procedure for this committee, or are we going to range far afield? It seems



to me that we should have a schedule laid out and a planned approach to the whole study of the Indian problem. Are we going to lay out an agenda so that we can follow it through and discuss the various parts of the Indian problem? For instance, we have a review of the activities. Could we take something like that, and take it phase by phase? Otherwise we will be covering all aspects of the Indian problem, and we will all be mixed up.

The JOINT CHAIRMAN (*Mr. Dorion*): I understand today we have Mr. Jones and Mr. Fortier here, with the general idea of questioning them. After that it would be better to state what exactly is the procedure we are to follow.

Mr. MCQUILLAN: I imagine we will have Colonel Jones with us a good deal, and if we pursue one phase at a time we would make some progress.

Mr. SMALL: What are the terms of reference to setting up the committee?

Mr. GUNDLOCK: I would like to submit we are discussing the social aspect of Indian welfare today. One of the subjects mentioned is that of education and welfare, and one thing and another directly concerned with it. We are getting along quite nicely, I think.

Mr. MCQUILLAN: I am not objecting to the procedure so far, but I am wondering what procedure we are going to follow at future meetings, because we would naturally like to hear certain representations on various subjects. How are we going to go about it?

The JOINT CHAIRMAN (*Mr. Dorion*): Do you agree this is a question to be settled by the steering committee to establish the procedure to be followed?

Mr. MCQUILLAN: To discuss the various items or subjects?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Mr. MCQUILLAN: This is concerning Indian welfare at this committee meeting.

Mr. MURPHY: And that the committee be advised ahead of time?

Mr. ROBINSON: I commend Mr. Fortier and Mr. Jones for their assistance so far, and I think if any general questions arise in our meeting today, it would be very well to ask them now. Then, later on their briefs will come before us and will cover any other thing that arises.

The JOINT CHAIRMAN (*Mr. Dorion*): I understand Colonel Jones and Mr. Fortier will be at our disposal for the next meetings and all during the sittings of the committee. Maybe the best way would be to determine now what will be the first questions to discuss, and the members of the staff will be ready to give you all the information you want. Will you leave that to the steering committee?

Mr. MURPHY: I think that is agreeable.

The JOINT CHAIRMAN (*Mr. Dorion*): With the information we have today the steering committee will be better able to determine the procedure and the questions of what should be discussed at the next meeting. I believe there is no objection to giving that information in the notice? It is not usual, but it would be helpful for you if your notice indicates the nature of the questions we will approach at the next meeting. It will be just a word to indicate that, is that all right?

Mr. BARRINGTON: Mr. Chairman, is it the intention of the committee to take the field of education and discuss that fully, and then to go into another field.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes, I believe it would be better to proceed like that. If you will leave that to the steering committee we will arrange the order of business, and you will be informed in time.

Now, there are members here who are French speaking. Do the members wish that a translation of the statements delivered by Mr. Fortier and Colonel Jones, and the minister, be made for the use of the French speaking members?

Mr. MARTEL: I propose that.

The JOINT CHAIRMAN (*Mr. Dorion*): I understand that it is possible for you to have your statements translated.

Mr. JONES: Was it your intention to have this form part of the proceedings today?

The JOINT CHAIRMAN (*Mr. Dorion*): We will table these books. Is that all right for now?

Agreed.

The JOINT CHAIRMAN (*Mr. Dorion*): I thank you.

Mr. MARTEL: I think that the publication of the French minutes requires a motion.

The JOINT CHAIRMAN (*Mr. Dorion*): It was passed at the first meeting.

Mr. MARTEL: That is fine.

The PRESIDING CHAIRMAN: There are no more questions for today? I thank you very much for your cooperation, and we will try to have the next meeting as soon as possible at the beginning of next week.

Mr. MURPHY: It is understood it is not to be part of the minutes?

The JOINT CHAIRMAN (*Mr. Dorion*): No, it will not be printed. We have some other booklets here for the members who were not here this afternoon, and they will be distributed to their offices.









SECOND SESSION—TWENTY-FOURTH PARLIAMENT

1959



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Joint Committee of the Senate and the House of Commons  
on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone  
and  
Mr. Noël Dorion, M.P.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

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TUESDAY, JUNE 16, 1959

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## WITNESSES:

Honourable Ellen Fairclough, Minister of Citizenship and Immigration, and Superintendent General of Indian Affairs; Mr. Laval Fortier, Deputy Minister of Citizenship and Immigration; Mr. H. M. Jones, Director of Indian Affairs; and Mr. R. F. Davey, Chief of Education Division.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

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Hon. S. J. Smith,  
Hon. J. W. Stambaugh,  
Hon. G. S. White—12.

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman*,  
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Mr. G. W. Baldwin,  
Mr. M. E. Barrington,  
Mr. A. Cadieu,  
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Mr. G. C. Fairfield,  
Mr. G. K. Fraser,  
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Mr. W. C. Henderson,  
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Mr. G. W. Montgomery,  
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and Victoria*),  
Mr. J. W. Murphy,  
Hon. J. W. Pickersgill,  
Mr. A. E. Robinson,  
Mr. R. H. Small,  
Mr. E. Stefanson—24.

Quorum—9

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

TUESDAY, June 16, 1959.

(3)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 3.40 p.m. this day. The Joint Chairmen, Senator Gladstone and Mr. Noel Dorion, presided.

### *Present:*

*The Senate:* Honourable Senators Croll, Fergusson, Gladstone, Inman, MacDonald, Stambaugh, Smith (*Kamloops*).

*The House of Commons:* Messrs. Badanai, Barrington, Charlton, Dorion, Fairfield, Fraser, Hardie, Henderson, Howard, Martel, McQuillan, Montgomery and Stefanson.

*In attendance:* Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration, and Superintendent General of Indian Affairs; Mr. Laval Fortier, Deputy Minister; Mr. H. M. Jones, Director of Indian Affairs Branch; Mr. C. I. Fairholm, Executive Assistant to the Director; Mr. R. F. Davey, Chief, Education Division; and Mr. J. H. Gordon, Chief, Welfare Division.

The Chairman tabled the following documents which had been handed to him at a previous meeting by the Honourable Mrs. Fairclough.

- (1) Briefs presented to the Minister by Mrs. Gorman, Alberta Indian Association:
  - (a) Brief of the Indian Association of Alberta.
  - (b) Petition *re:* changes in the Indian Act, endorsed by Indians throughout Canada and 33 non-Indian societies.
  - (c) Briefs of the Alberta Indian Advisory Board and the Friends of the Indians Societies of Calgary and Edmonton.
  - (d) Briefs endorsed by the Canadian Bar Association from 1955 to 1958.
  - (e) Brief on Education submitted to the Alberta Government Education Commission by the Indian Association of Alberta.
  - (f) Publication of the Friends of the Indians Society entitled, "The Alberta Indian, His Past, Present and Future".
  - (g) Miscellaneous newspaper clippings, reports and questionnaires.
- (2) Petition from the Chiefs and Councillors of the tribes of Indians of the Upper Stahlo and Lower Thompson of British Columbia.
- (3) Recommendation of the National Commission on the Indian Canadian with respect to adding a professional social scientist to the secretariat of the Committee.
- (4) Chief David Knight, Chairman, Federation of Saskatchewan Indians with respect to representation before the Committee.
- (5) Request of the law firm of Carignan, Colas, Provost & Favreau on behalf of the Caughnawaga Indians to appear before the Committee.
- (6) Andrew Paull—North American Indian Brotherhood—Letter requesting that he be advised when Committee is established so he can write directly to the Chairman.



- (7) Dr. P. R. Kelly, Native Brotherhood of British Columbia—Letter requesting that he be advised similarly.

The above-mentioned documents are entered in the records of the Committee as *Exhibit No. 1*.

The Chairman presented the First Report of the Steering Subcommittee as follows:

Your Subcommittee recommends that the representatives of the following groups or organizations be called to appear, on or about the dates indicated, before the Joint Committee on Indian Affairs:

1. Six Nations Council (2 official delegates) to be heard on June 23.
2. Six Nations Confederacy (2 official delegates) to be heard on June 24.
3. Native Brotherhood of British Columbia (2 official delegates) to be heard after June 24.
4. Caughnawaga Indian Council (2 official delegates) to be heard in early part of July.
5. Indian Association of Alberta (2 official delegates) to be heard after the 15th of July.

Your Subcommittee recommends that the Committee pay, on behalf of the official delegates of the abovementioned organizations or groups, their travel expenses together with reasonable living expenses for the period of time they are in Ottawa (Such period not to exceed two days).

On motion of Mr. Badanai, seconded by Mr. Martel,

*Resolved*,—That the First Report of the Steering Subcommittee be now concurred in.

The Honourable Mrs. Fairclough assured the Committee that she would support it in a report to the House recommending that a similar committee be constituted during the next session of Parliament.

The Committee then turned to its consideration of Indian Affairs, directing attention specifically to "Education".

The Director of the Indian Affairs Branch, Mr. Jones, introduced Mr. Davey, who read a prepared statement.

The Departmental officials were questioned on the statement and other related matters.

At 5.15 p.m. the Committee adjourned until 3.30 p.m., Wednesday, June 17, 1959.

E. W. Innes,  
*Clerk of the Committee.*

## EVIDENCE

TUESDAY, June 16, 1959.  
3:30 p.m.

The JOINT CHAIRMAN (*Mr. Dorion*): Excuse me, Senators and gentlemen, I see we have a quorum. This afternoon we have the advantage of having with us Mrs. Fairclough, Minister of Citizenship and Immigration, and I believe that she is anxious to make a statement to us.

Mrs. ELLEN L. FAIRCLOUGH (*Minister of Citizenship and Immigration and Superintendent of Indian Affairs*): Mr. Chairman, it was brought to my attention that at the last meeting there was some concern expressed over the fact that this committee could scarcely be expected to finish its deliberations during this session of Parliament. The suggestion was made that this would be an appropriate time at which to indicate that the committee would be reconstituted next session; and that, if this were done, the committee would be able to plan such hearings as it has in mind; and also so that those who wish to appear before the committee would be able to plan their presentations in a more orderly fashion.

As the members of the committee will understand, it is not in my power to say that the committee will sit next year. The committee is the master of its own fate, to a certain extent. I am advised by the Clerk of the House that the procedure is for the committee to make a recommendation that it be reconstituted next session, and that this recommendation be included in the committee's final report to the House.

I can give you the assurance that I will support that recommendation 100 per cent. I am sure when it is presented to the House that the House will likewise accept it, particularly if that is the unanimous feeling of the members of this committee.

Mr. Chairman, I think you can proceed on the understanding that if you have unanimous agreement within your own committee that it is desirable to proceed next year, you have my assurance that when the matter comes before the House we shall support it there.

The JOINT CHAIRMAN (*Mr. Dorion*): I thank you very much.

Now, Senators and gentlemen, I wish to table the document given to me at our first meeting by the honourable lady. I place this document in the hands of the Clerk.

The steering committee report is as follows:

- (1) Your subcommittee recommends that the representatives of the following groups or organizations be called to appear, on or about the dates indicated, before the joint committee on Indian Affairs:
  - (1) Six Nations Council, two official delegates to be heard on June 23;
  - (2) Six Nations Confederacy, two official delegates to be heard on June 24;
  - (3) Native Brotherhood of British Columbia, two officials to be heard after June 24.

I might say that is the sense of the answer we received from that organization.

- (4) Caughnawaga Indian Council, two official delegates to be heard in the early part of July;
  - (5) Indian Association of Alberta, two official delegates, to be heard after July 15.

- (2) Your subcommittee recommends that the committee pay, on behalf of the official delegates of the above-mentioned organizations or groups, their travel expenses, together with reasonable living expenses for the period of time they are in Ottawa, such period not to exceed two days.

May I have a motion for concurrence in this report?

Senator STAMBAUGH: Mr. Chairman, is that two days in Ottawa, or two days from the time they leave home?

The JOINT CHAIRMAN (*Mr. Dorion*): Two days in Ottawa.

Mr. BADANAI: I move, Mr. Chairman, we approve the schedule as presented by the chairman.

Mr. MARTEL: I second that.

Motion agreed to.

The JOINT CHAIRMAN (*Mr. Dorion*): We will now turn to our study of education, and I will ask Colonel Jones to present his statement. Copies of it are available for the members of the committee.

Colonel H. M. JONES (*Director of Indian Affairs, Citizenship and Immigration*): Mrs. Fairclough, Mr. Chairman and ladies and gentlemen of the committee, I wonder, sir, if I could have the permission of the committee to have the chief of the education division, Mr. R. F. Davey, read the branch presentation.

Mr. Davey started in our system teaching schools in British Columbia. He rose to our highest post in the field, chief inspector of Indian schools in British Columbia. He moved to Ottawa to take over the post of assistant superintendent of education a few years ago, and, in 1954, he was promoted to the chief of the education division.

With your permission, sir, I would like to have Major Davey presented to the committee to read this document containing his precis on education.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you. Mr. Davey please come forward.

Mr. R. F. DAVEY (*Chief, Education Division, Indians Affairs Branch*): Mr. Chairman, Mrs. Fairclough, ladies and gentlemen: before I read this document I should like to explain that this is not an exhaustive study of all the problems of Indian education. An attempt has been made, however, to pick out what are probably the most urgent problems and to give some indication of the policies which have been used in attacking these problems.

Any consideration of the policy and problems of Indian education must be related to the aims of the program. These may be roughly classified into three broad categories:

1. The education of school-age Indian children as a preparation for them to take their place in Canadian society as socially and economically competent citizens.
2. The education of children and adults to develop a core of leadership for Indian communities.
3. To prepare Indian adults for employment.

Special emphasis has been given during the past ten years, and is continuing, on the education of Indian children in association with non-Indians wherever that is possible. The first problem which arises in connection with the implementation of this policy is the widely scattered nature of our Indian communities, many of which are isolated from other settlements. To meet this problem several methods are employed. Wherever road and other transportation facilities exist, arrangements are made to transport Indian children to non-Indian schools. In other cases children are boarded in private homes or at hostels operated by the Indian affairs branch or other organizations. The

provisions of the Indian Act require that consideration shall be given to the religious convictions of the parents. Consequently, the possibilities of arranging for joint education is restricted by the necessity of having a non-Indian school of the required type accessible to the Indian group. A further difficulty in the implementation of this policy is the fact that some non-Indian communities are still reluctant to accept Indian children into their schools. On the other hand, occasionally the Indian parents will not agree to send their children to non-Indian schools. However, the attitude in the non-Indian communities is generally favourable and the same may be said for the Indian communities.

It is the policy of the department to ensure that no Indian child is denied the opportunity of a post-elementary school education simply because his parents cannot afford to assume all or even part of the costs, and of recent years no Indian has been refused the opportunity for further education solely due to the lack of funds.

In addition to encouraging Indian students to continue their education through financial assistance, a system of scholarships has been instituted which is described on page 25 of the review of the branch's activities during the past ten years.

In so far as high school instruction is concerned, it has been the policy of the branch to avoid as much as possible the establishment of Indian high schools through the admission of Indian children to non-Indian schools. In this connection, it may be mentioned that it is becoming increasingly difficult because of the rapidly expanding high school enrolment to find boarding accommodation at the residential schools and in private homes for all high schools students. As a result, it has been necessary to establish a limited Indian high school program by which education at the secondary level is now offered in several schools.

It has been the policy of the branch to stress the academic studies until the student reaches at least the grade 10 level. This is due to the fact that most employers hiring staff tend to insist on at least a grade 10 education, except at the lowest level of unskilled work. Recent reports from the national employment service substantiate this. This does not rule out the offering of vocational or pre-vocational courses in Indian schools, and a brief description of these activities is given on page 27 of the review mentioned above.

In so far as vocational training is concerned, it is the policy of the branch to utilize provincial facilities wherever possible, rather than to develop a vocational training program under the direction of the Indian affairs branch. Unfortunately, the prerequisites for admission to those courses are, for the most part, at least grade 10 standing. This is not due solely to the requirements laid down by the provincial departments of education, but is also due in part to the requirements for apprenticeship training in the formulation of which the labour unions in some provinces, at least, have an important voice. This, coupled with the preference of employers for workers who have at least grade 10 standing, indicates the need for emphasizing academic instruction in our Indian schools.

The policy of the department is to have the Indian schools follow the curriculum of the province in which the Indian school is located. Most of these programs are sufficiently flexible to allow adaptation to meet the peculiar circumstances of most Indian communities, and generally speaking this policy does not give rise to serious difficulties or problems other than that confronted by the teacher in making the adaptation.

Reference has been made on page 23 of the review of the activities to the problem of supervising the widely scattered Indian school system. To assist in meeting this problem, the branch has embarked on a program of decentralization and of the division of the various regions into zones, with an educationist in charge of the educational program in each zone. This



should be of considerable assistance to the teacher, who is faced with problems peculiar to those inherent in a class with pupils from a cultural background quite different from his own.

It is the practice of the branch to engage only qualified teachers in so far as the teacher supply will permit. Those employed for the Indian school system who have not the equivalent of the provincial standards, are engaged on a yearly basis only. Reference is made to the improvement which has taken place since the implementation of this policy on page 25 of the review. Although the salary scale which is also listed meets or exceeds the salaries paid in many provinces, it does not meet the scales offered by some school boards in the provinces of Ontario and British Columbia, although the isolation allowance does correct the disparity in so far as those schools which are classified as "isolated". The current teacher shortage, which has presently to be faced in Ontario and all the western provinces, is an added problem in the recruitment of qualified staff.

The policy of the department in so far as adult education is concerned has been set forth briefly on page 26 of the review. The problems in implementing this program are those which would be met in any isolated community made up of a people who have a cultural background different from the majority of the citizens of the country. One of the aims of this program is to develop the Indians as leaders among their own people, and, accordingly, it is appropriate that some reference should be made in this paragraph to the development of Indian school committees to which reference is made on page 27 of the above named publication. These Indian school committees do not come into being without some encouragement from outside the Indian band. An expansion of this program, therefore, must await the organization of the zones with an educationist who can provide the initiative to get them started. It is hoped that these committees will prove to be embryonic school boards which will assume to an increasing extent responsibilities for the operation of the school or schools in the community. Related to the education committee is, of course, such organizations as the parent-teacher associations and the home and school groups. It is the policy of the branch to sponsor such activities and to encourage the parents and teachers in the Indian schools to participate.

At the present time the Indian affairs branch operates schools which may be grouped into four general classifications:

1. The Indian day schools are operated on those reserves where the school-age pupils cannot be admitted to a non-Indian school.
2. The residential schools are established to serve those children who must be removed from their home circumstances or who cannot attend a non-Indian or Indian day school from their homes, or to serve as hostels for Indian students in order that they may attend a non-Indian school.
3. The seasonal schools, which are a special type of day school, serve migratory families who tend to congregate at a central point for a limited period of the year.
4. The hospital schools are established in sanatoria. This type of school serves two functions. First, to provide the patient with an interesting and useful occupation and thus make his confinement to the hospital more acceptable, and secondly, to help to keep the school-age patient from dropping too far behind in his school work. It is the policy of the branch to have these schools serve both adult and school-age patients.

The administration of the educational program is, of course, regulated by the terms of the Indian Act, which as mentioned above require that consideration be given to the religious convictions of the parent. This is, of course,

a matter of law and not a departmental policy, and therefore, no comment is made in this statement.

The role of the federal government in the past has been to organize and administer a school system for Indian children. Although this has expanded rapidly in the post-war years, nevertheless there are indications that the peak in this expansion will soon be met, and that a further anticipated increase in the school population will be absorbed by non-Indian schools.

The JOINT CHAIRMAN (Mr. Dorion): Thank you, Mr. Davey. Certain members may wish to ask questions in respect of this statement and the information given to us.

Mr. HOWARD: Mr. Chairman, I wonder if I might inquire in respect of the question of educating Indian children in association with non-Indian children which, to me, is the desirable end to which we should direct our efforts. Perhaps this might be a question which Mrs. Fairclough may desire to answer. It may be a question of policy more than of administration; that I do not know. What approach is taken in this regard? Is there a direct indication given to the school boards or the provincial departments of education in so far as this attitude is concerned? That is, does the department make known to the school boards or the provinces that the department is desirous of having Indian children, educated in conjunction with non-Indian children? Do you make a formal approach, or has the approach been the other way around?

Hon. Mrs. FAIRCLOUGH: I do not know about a formal approach, but certainly it is an understood fact.

Mr. JONES: It has been a matter of good relations on both sides. I think possibly having the responsibility of the Indian children, we have taken the leadership right across Canada. We have these agreements in every province now.

Mr. DAVEY: Except in Prince Edward Island.

Mr. MCQUILLAN: What contribution does the Indian Affairs Branch make to the local school board? Is it on a per capita basis?

Mr. JONES: It is on a per capita basis.

Mr. MCQUILLAN: Is it the same in respect of the province?

Mr. JONES: Yes.

Mr. BADANAI: Does the Indian Affairs Branch make a contribution to the non-Indian schools for Indian pupils?

Mr. JONES: For the capital cost?

Mr. BADANAI: I mean for the over-all education of the Indian attending non-Indian schools. Does the department make a contribution to the municipality?

Mr. JONES: They pay the cost of tuition for all Indian children.

Mr. BADANAI: On a per capita basis, or what?

Mr. JONES: It is a school board arrangement.

Mr. DAVEY: In approaching a school board we tell it we are prepared to assume our share of the operating cost and we will pay tuition fees based upon the cost to the school board of operating that particular school. The costs of operating the schools vary greatly from place to place. The operating costs govern these tuition fees. The cost of capital expenditure we share with the school board on a pro rata basis.

Mr. HOWARD: I have another comment in respect of a different approach to this. I have the comment made by, I may say a relatively minor number of non-Indian parents, that they do not care too much to have their children

educated in conjunction with Indian children. Their reasons are they feel the educational standards set for the non-Indian children are lowered thereby, and there is a tendency for the non-Indian children to take less interest because they see the Indian children taking less interest, or are more lackadaisical and so on. I wonder whether or not you have had any experience with complaints of this nature from non-Indian parents and whether or not an approach has been made from a public relations point of view by the department to overcome that attitude which I think is not a good attitude for non-Indian parents to have; nonetheless I have heard it expressed. Have you heard of such comments and complaints?

Mr. JONES: First of all, we will not enter into any joint arrangement for educating Indian children until we are sure that it is what the Indians want. Secondly, the white parents, or the municipality, must want their children to be educated with the Indians, or we are not interested. Then, of course, there is the school board. So there has to be a happy arrangement all around. We do not push it. We go to great lengths to make sure the white people want this arrangement as much as the Indians. It has been very successful. I do not think we have had very many complaints about the matter Mr. Howard raised.

Hon. Mrs. FAIRCLOUGH: I think the answer to your question would be specifically that the schools are under provincial inspection and cannot lower the standards of their teaching.

Mr. HOWARD: I am afraid I may have phrased my question poorly. I was not speaking of the standards of the curriculum, but rather that the complaint I have heard is that the non-Indian parents feel their children are influenced by what they classify as the lackadaisical attitude of the Indian children. For that reason they say their children become lazy students.

Hon. Mrs. FAIRCLOUGH: I do not think that attitude is borne out by the marks of the children.

Mr. HOWARD: Whether or not that is so is another matter. However, I have heard these comments and complaints. I was thinking of the public relations approach to get across to these non-Indian parents that such is not the case; that this is a beneficial arrangement especially from the point of view of the Indians, and also the non-Indians, because of the move towards a whole society of people.

Mr. DAVEY: On occasion I have had to approach school boards when this point has been raised. However, there is no problem in overcoming it, because we now have so many of these agreements that we can point to these other places and say: Here is the success we have had. We invite you to write to the other school boards. This type of comment is seldom met, although I have encountered it.

Mr. HOWARD: How do you overcome it?

Mr. DAVEY: We simply point to our successes.

Mr. HOWARD: Is it a more widespread thing than I have stated it to be?

Mr. DAVEY: I would say that we have met this occasionally, but generally we are welcomed at the school boards.

Hon. Mrs. FAIRCLOUGH: Is it not a problem to be solved primarily by an approach to the school board, at that level?

Mr. DAVEY: That is correct.

Mr. FRASER: In my district that feeling might have been there some years ago, but now in the district high school at Lakefield it has been found that the Indian boys and girls who go to it are as well advanced if not further advanced than some of the white pupils, not only in their school work, but also

in their military training and graduate work, where they have done excellently. In fact, in the high school at Lakefield until this year the chairman of the board was an Indian himself, a finer man you would not meet.

Mr. HENDERSON: I come from the Cariboo. We have a large number of Indians up there from various parts, up and down. I was chairman of the school board at Dawson Creek at one time, and in that school district we have two schools, one at Moberly Lake, a reserve, and another at Swan Lake, or Kelly Lake. Our biggest trouble was with the Indian department because we did not get any cooperation whatsoever. I know what I am talking about. Anything we suggested—they wanted their kids to be educated, but they did not want to pay for it. Transportation was one of our difficulties. I was chairman for seven years, and I had a lot of experience. We could not get the best teachers in the world because they did not like to go out where they were isolated.

At Kelly Lake we had a man and his wife. I do not think that the wife was qualified; and the same at Moberly Lake. We had a fellow who had been an old teacher in that country, and his wife had no teaching experience. But we had her in as a second teacher, and she did better than if we had put in some young girl, or the kind of teacher we could get.

Then we had transportation trouble. They were riding at first on spring wagons—Bennett buggies. And those kids would pile into the wagons to go to school. Our school board made a proposition whereby we would furnish a bus. There was one Indian who was a bus driver—or said he was—and we were going to use him. But he did not show up some mornings. He had trouble with the truck.

The final year I was there—I quit when I was elected to parliament—the white children were being transported by our school board, and the Indian children were getting there by horseback or any way they could. That was at Moberly Lake.

But Kelly Lake had the best bunch of children I ever saw, white or red. They were well handled. The men were really experts who were there, and we had no trouble with the intermingling of children, white or red. Of course, we did not have any white children to go to these Indian schools.

The other schools were handled by the Roman Catholic fathers, at the lower post and away up in the north, and they handled them and did a very good job.

We have Indians all along the Alaska highway. The Fathers had schools out there, and it was very satisfactory.

At Prince George we have 5,000 Indians around that district right now, and we have to build another big school for them.

The Joint CHAIRMAN (*Mr. Dorion*): We will try to hear the evidence from the department first, after which the members of the committee may ask questions. I thank Mr. Henderson for expressing himself.

Mr. FAIRFIELD: I wonder if the officials have anything to say about this item on page 26 concerning church residential schools. It states:

Under the new system, the government-owned residential schools operate on a controlled-cost basis, that is, the department pays the actual cost of operating the schools within certain defined limitations.

What are these defined limitations? Do the roofs fall in before you repair them, and do the furnaces blow up? Because I think that has almost occurred.

Mr. DAVEY: Well, I should perhaps explain that this system of financing these board schools applies only to the schools where the buildings are actually owned by the federal government.



The cost of maintenance of the building itself is the responsibility of the department, not of the church operating the school. So that, broadly speaking, the financing of repairs to the building is not the concern of the church organization that is operating the school.

Mr. HARDIE: That is not true of the Northwest Territories.

Mr. DAVEY: No, you are quite right. I am speaking only of those schools which operate under the Indian Affairs branch. The Indian Affairs branch does not operate any schools in the Northwest Territories, with the exception of the Yukon. We do operate two schools in the Yukon—oh, I am wrong, one school in the Yukon.

Mr. HENDERSON: You do not handle the school in the Cariboo. That is run by the Fathers; and the provincial government puts up the money there, like along the road up to the Yukon.

Mr. DAVEY: In British Columbia, in that section which is known as the Cariboo, the Indian Affairs branch does own and operate a large residential school at Williams Lake. It is just outside Williams Lake.

Mr. HENDERSON: That is out of my district, but it is the same kind of territory. What about the lower post?

Mr. DAVEY: At the lower post the building is owned by the federal government but is operated by the Oblate Fathers on behalf of the Indian Affairs branch.

Mr. FAIRFIELD: What are these certain defined limitations?

Mr. DAVEY: I am just coming to that. I am sorry. First of all, there is a specific amount that cannot be exceeded for food expenditures, and there is a certain amount which cannot be exceeded for clothing.

Mr. FAIRFIELD: Is that on a per capita basis?

Mr. DAVEY: Yes, it is on a per capita basis; but not the salaries. The salaries are not on a per capita basis.

Mr. FAIRFIELD: Where do you look after the problems of maintenance of the building and repairs?

Mr. DAVEY: The repairs and maintenance of the building are handled by the branch itself.

Mr. BARRINGTON: What action is being taken to encourage girls on the reserves to take up the teaching profession and to go back to the reserve to teach in the schools?

Mr. DAVEY: At the present time we have 110 teachers of Indian status on our establishment.

Mr. BARRINGTON: That is right across the country?

Mr. DAVEY: Yes. Offhand, I could not say how many of those are women. Of course, this does not include a number of teachers who have gone into the provincial service. For example, this June two Indian girls graduated from Chapeau in Quebec and they found employment in the provincial school system; in other words, we do not dictate to the Indian girl and say that they must teach in Indian schools, but we give them financial assistance up to the total cost, if they require total assistance, in order that they may receive a training at normal schools.

Mr. BARRINGTON: During the past, has it been so that those who have received this education have more or less wanted to go out into the white schools to teach rather than to the Indian schools?

Mr. DAVEY: Generally speaking, the Indian student has gone into an Indian school. However, I think the province of Quebec would be an exception in

this regard. I am not able to say why. In other words, I think there are more Indian student graduates of normal schools going into the provincial system in Quebec than into our own, and I do not know why.

Mr. FRASER: Is it because of salary?

Mr. DAVEY: No.

Mr. MCQUILLAN: Have you ever run into a straight refusal from the school board when requests have been made to have Indian children attend these schools? Is there any place in Canada where you have not been able yet to persuade them to accept Indian pupils?

Mr. DAVEY: I can recall one place where we received a definite refusal. We went back to the board two or three years later and on the second approach they agreed to accept our children. Offhand, I cannot recall of a place that has refused us and not subsequently agreed to the proposal.

Mr. MCQUILLAN: Could you give us—perhaps not now, but later—some indication of the various rates you allow the school boards across the country for tuition and capital cost allowance?

Mr. DAVEY: The lowest and highest amount we pay?

Mr. MCQUILLAN: Yes, if you can get that type of information.

Mr. FAIRFIELD: Would the witness know offhand how many church operated schools there are in Canada for the benefit of Indians?

Mr. DAVEY: Church operated schools?

Mr. FAIRFIELD: I mean those that come under the department. You say you have limitations and so on. You have some defined limitations but I do not know where they start and where they end. How many church operated Indian schools, in which the department is interested, are there in Canada; could you give me that figure? I do not need it today.

Mr. DAVEY: I believe it is 68, but I would like to check on that.

Mr. FAIRFIELD: Offhand, could you give me the cost of maintenance and repairs to those schools, say in the past fiscal year, or have you a breakdown?

Mr. DAVEY: I have not that available right now, but I can find out for you.

Mr. JONES: May I attempt to answer Dr. Fairfield's former question concerning the limitation in connection with building maintenance and repairs.

It is the branch's responsibility, Mr. Chairman, to keep these schools fully maintained and the only limitation there might be is what control the principal has in authorizing major repairs because, as a rule, this is done through the system of reporting to the Indian superintendent who is in charge of the whole area and getting an authorization either from there or Ottawa. But there is no limitation as to the branch's responsibility in keeping the school well maintained.

Mr. FAIRFIELD: Has the church no responsibility? What I mean is this: does it not pay out any funds toward maintenance?

Mr. JONES: On government-owned schools, no.

Mr. HARDIE: We are not talking about government-owned schools. The question Mr. Fairfield asked relates to schools operated by the churches to whom you pay a per pupil grant for operating costs only, and I personally do not know of the department ever paying anything toward the capital cost of these schools.

Hon. Mrs. FAIRCLOUGH: If I could interrupt for a moment, I would like to say that the clause which Dr. Fairfield quoted had to do with government-owned residential schools, and that is the question which Colonel Jones was answering. Is not this the quote:

Under the new system the government-owned residential schools operate...

Is not that the one?

Mr. FAIRFIELD: It says:

From 1892.

That sentence puzzles me.

Mr. JONES: I was talking about certain defined limitations. That referred to government-owned residential schools. I think we are talking about two different things.

Mr. FAIRFIELD: Yes, but if you look at the previous sentence, and it is the preamble to this next sentence, it says:

From 1892 until that time, residential schools were financed on a per capita grant basis under which the department paid a grant to the church authorities operating these schools for each Indian child in attendance.

And so on.

Mr. JONES: Yes, I see. It says from 1892 to 1957, but the subsequent sentence says:

Under the new system.

—the system now in effect.

Mr. FAIRFIELD: The government then has taken over from the church authorities?

Mr. JONES: Maybe I could make another attempt at answering your question. We will say there are 58 government-owned residential schools which are operated for the government by the religious orders, and there are twelve church-owned residential schools which are owned by the religious bodies, and we pay them a per capita grant.

Mr. FAIRFIELD: That is the one I was after.

Mr. JONES: Subject to correction, I think there are twelve scattered across the country. We pay them the old-fashioned per capita grant.

Mr. FAIRFIELD: Then there is nothing in connection with costs of maintenance and repairs?

Mr. JONES: They have the responsibility of their own buildings, but we do pay a small percentage, which is worked out, to the religious order to help with the maintenance; but it is their responsibility and it is their building. There are twelve of those as against 58 government-owned, and that is the ones where this new system of financing has been in effect since April 1, 1957.

Mr. HARDIE: Could you give me a comparison of operating grants—that is of the type of school of which you say there are twelve—the per capita grant to that school as compared to the cost per pupil of government-operated residential schools?

Mr. JONES: Well, of course, the answer is that when we had the schools under this per capita grant it varied tremendously because of the isolation factor generally, so it is a little difficult to say. No two schools have the same per capita grant.

Mr. HARDIE: Let us take something simple. Up until now, in the Northwest Territories for instance, at Aklavik, you pay the Anglican mission and the Roman Catholic mission there a per capita grant of so much a year to board, feed and educate a child; how does that grant compare to the cost for Indian pupils at the new government operated school at Fort Smith?

Mr. JONES: Of course, Fort Smith is still in the Northwest Territories.

Mr. HARDIE: Would you pay for the Indian children in that school; do you pay the per capita cost?

Mr. JONES: No, it comes from the Department of Northern Affairs and National Resources.

Mr. HARDIE: All right; let us take it this way; is the per capita grant today to the Roman Catholic or Anglican missions at Aklavik for Indian pupils any different than it was in 1954?

Mr. JONES: Well, of course, Mr. Chairman, that is another department's vote.

Mr. HARDIE: But you people are still responsible for the education of the Indian children in those schools, regardless of what department is operating the schools?

Mr. JONES: That is right.

Mr. HARDIE: You should be able to tell me, I think, what the cost is per pupil, because I am sure your department is interested in the cost of educating Indian children.

Mr. JONES: We will get that information from another department.

Hon. Mrs. FAIRCLOUGH: We have to get it from Northern Affairs and National Resources.

Mr. JONES: We will get that information from Northern Affairs.

Mr. MCQUILLAN: Perhaps I was wrong in my mathematics, but I thought Mr. Jones said the numbers were 58 and 12, or a total of 70 schools for Indian education across Canada. Is that right?

Mr. JONES: Residential schools.

Hon. Mrs. FAIRCLOUGH: Residential schools.

Mr. MCQUILLAN: How many day schools were there?

Mr. JONES: 375 day schools.

Mr. MCQUILLAN: Do you have your total enrolment of day schools and boarding schools?

Mr. JONES: Yes, we have in our Indian schools 19,143—that is on page 24, of the Summary, sir; 11,064 in residential schools; 7,330 in non-Indian schools—a total enrolment of 37,537. That is for last year.

We have our most up to date figures in the supplement at the back. We have in our day schools, 19,541; 11,109 residential school pupils; and non-Indian, 8,186, for a total of 38,836. That is the supplement, page 2, in the back.

The Joint CHAIRMAN (*Mr. Dorion*): Mr. Howard?

Mr. HOWARD: I would like, if I may, to revert. I hoped to follow the thing back when we initially started on this, but if I could I would like to revert to this question of the relationship between the Indian affairs branch educational structure and the public schools systems, or schools operated by school boards or private organizations.

Reference is made, Mr. Davey, towards the bottom of the material which you read, to the fact that there is some difficulty in implementing this policy of educating Indian children in the non-Indian schools because some non-Indian communities are still reluctant to accept Indian pupils into their schools. I wonder if you could give us a clearer picture of that, as to the reasons that are given, if any, why? Perhaps you could break it into general classes, as to why non-Indian communities do not want to accept Indian children. Is this more prevalent in one part of the country than another, or does it vary from province to province, or locales within a province, or what?

Mr. DAVEY: We do not encounter this difficulty too often, but it is encountered occasionally, as I mentioned before.

The places where it is met—if it is met more frequently in one place than in other places—is in the areas where we have not been able to get these joint schools established in any numbers. When I was employed in British Columbia



I ran into difficulties when we tried to initiate this program there. Now, I am told, we do not now have these difficulties there. I do not know whether I have answered your question sufficiently.

Mr. HOWARD: Yes, I think so. The reluctance, then, stems from the initial attempt?

Mr. DAVEY: Yes, they are uncertain as to how it is going to work out.

Mr. HOWARD: Following that, I take it that it is comparatively easy to expand it to other school boards and other privately operated schools?

Mr. DAVEY: Yes, and we have a definite practice in these areas where we have not had joint schools established before of trying to select communities that are most likely to succeed. If we have any doubt about the program at all we would rather defer it, because we would know if one fails we would have to start over again.

Mr. HOWARD: It would appear that the eventual end of this program for joint education would be one of the Indian affairs branch moving out of the field of education and having it transferred, in effect, to the jurisdiction of the particular province within which it comes. Would that be the end to which you are looking?

Mr. DAVEY: This seems to be coming in British Columbia, where 25 per cent of the pupils are now in non-Indian schools.

Mr. HOWARD: Do you have a decline in your day schools, say, in British Columbia? Have you closed part or many of them as a result of this integration?

Mr. DAVEY: We have closed day schools in British Columbia, but the total number has not, as yet, started to decrease. Perhaps I should amend that statement a little by saying the total number of teachers employed has not decreased. The number of schools has decreased by one or two.

The Joint CHAIRMAN (*Mr. Dorion*): Any other questions for Mr. Davey?

Mr. HOWARD: I understand that in so far as the department of education is concerned in British Columbia you have complete cooperation, but you must deal with the school boards themselves, which are the ones which will determine whether they will enter into such an arrangement or not?

Mr. DAVEY: That is correct.

Mr. HOWARD: Have you experienced any great reluctance on the part of any school board, persistently, in British Columbia over this?

Mr. DAVEY: Not recently; not within the last three or four years, I would say.

The Joint CHAIRMAN (*Mr. Dorion*): Other questions?

Mr. HARDIE: What does the department do in regard to selling the white people on this idea of having Indian children attend the day schools, outside of approaching them now and again? Is there any other publicity being put out to try and sell the white population on the advantages of having native children attend these schools, or is it just a matter of every once in a while you may go to the school board and try to sell them on this proposition?

Mr. DAVEY: There is a number of things we do. First of all, when a school is opened, in which this department has made a contribution, we arrange with the school board that at the official opening there will be representations from a member of this department.

Secondly, we will not build an Indian school unless we have an assurance from our field officials that the possibility of integrating has been thoroughly explored. There are, from time to time, newspaper articles, of course, and some publicity given through the press, on the progress of integration. These are the three things that occur to me on the spur of the moment.

Mr. HARDIE: In no section of your department, or section of your branch, do you deal exclusively with trying to sell the white population of Canada on this proposition?

Mr. JONES: I might try to answer that, Mr. Chairman. In our constant review of our school requirements, which our field staff are working on, in order that we can intelligently present estimates to the minister each year, the field staff know in advance where we are going to need one, two or three classrooms on a reserve. They will seek out a municipality, if it is close enough to the reserve. This is part of the machinery, to sound out municipalities if the conditions are ripe, before we will attempt to build a school on a reserve.

Mr. HARDIE: So, Mr. Jones, will the field staffs have enough time to do this, along with all their other work—to do a good job of promotion on this, besides the work on statistics, and all the rest of it that the field staff is required to carry on?

Mr. JONES: Of course, we are in touch with the provincial departments of education, both from Ottawa and our provincial regional offices; so the policy is fairly well known, Mr. Chairman, throughout Canada. But in general, we would rather enter into a joint agreement with a municipality than build a day school on an Indian reserve, providing all the conditions are met.

Mr. HARDIE: You wait until the requirement is there and then you try to sell it: you do not carry on any publicity prior to the time of this requirement, or these additional three or four classes?

Mr. JONES: Yes; we work three or four years ahead of time.

The JOINT CHAIRMAN (*Mr. Gladstone*): Before it gets to that stage, it is usually the Indians themselves who wish further education.

Mr. HARDIE: I am speaking of the white population.

The JOINT CHAIRMAN (*Mr. Gladstone*): I am talking about my experience. Then we go to the town and ask if we can get our children admitted. I found that the local town though the responsibility lay entirely with the Indian affairs branch. It worked up, though. I think Mr. Davey knows that when the first day schools were built on our reserve, it was the Indians' wish. It made them explore and see whether a school could be erected. Usually it begins from the parents.

Mr. HOWARD: Mr. Davey, you mentioned, I think, that British Columbia, in so far as amalgamated or integrated schools are concerned, have a higher percentage of Indian children in attendance than any other province. Is it 25 per cent?

Mr. DAVEY: That is correct.

Mr. HOWARD: I wonder if, on the basis of your experience over the last ten years, when you have been pushing this program, whether you might be able to guess at what time there might be a complete integration of the education, or transference, or as near complete as possible—having regard to the lesser developed areas?

Mr. DAVEY: I am afraid I could not guess that; there are so many factors that enter into it—the problem of isolation, for example. This is one of the big obstacles, the isolation of many of our Indian communities.

Mr. MCQUILLAN: Mr. Davey, you operate a big Indian school at Port Alberni, do you not?

Mr. DAVEY: Yes.

Mr. MCQUILLAN: That is a government school?

Mr. DAVEY: Yes.

Mr. MCQUILLAN: The church has no function in that school, has it?

Mr. DAVEY: Yes, it has. The United Church of Canada, in that case, operates it on behalf of the department. We employ the teachers at the school—although many of the pupils go into the provincial schools in Alberni. We do have school rooms at the Alberni residential school and employ the teachers there. They are paid directly from Ottawa.

Mr. McQUILLAN: But you are gradually getting away from conducting a school there, and it is used more as a hostel?

Mr. DAVEY: That is correct. And we have the support of the church in this endeavour.

Mr. McQUILLAN: There is another school at Kakawis—or Christie, as they call it. That is a church school, I believe.

Mr. DAVEY: Yes.

Mr. McQUILLAN: Is that one of the more difficult ones to integrate, in the sense of isolation?

Mr. DAVEY: Yes, it certainly is. It is located on an island, for one thing. The nearest non-Indian community is Tofino, and the island is separated by a channel which I would estimate to be about two to three miles wide. The channel can become extremely rough. It is an isolated school.

Mr. McQUILLAN: Do you have any Indian children attending Tofino schools?

Mr. DAVEY: I am not able to say. If there are any attending, they are in very small numbers, because there is no reserve adjacent to Tofino.

Mr. McQUILLAN: I wonder if you could find out for me if you do have any Indian children attending the Tofino public schools.

Mr. BADANAI: Has the department given any consideration to the establishment of limited vocational training in public schools for the Indian—those who are not able to go to high school? They would make good carpenters, for example; and, with regard to the girls, they would probably become good seamstresses. Has any consideration been given to that end of the question?

Mr. DAVEY: Yes. We have gone beyond the consideration stage. In the province of Alberta for example, we solicited the support of the Department of Education and in the city of Edmonton we ran a course in carpentry. This was a practical type of course: it consisted of instruction in the use of the basic hand-tools. Then the students—they were 12 to 15 in number—pre-cut lumber. It was taken out to one of the reserves and—I am relying on my memory, again—I believe there were two houses erected as a practical project, as a final outcome of this program.

We have also approached the province of Manitoba to see if we could not work out some program with that province of upgrading the academic level of young adults so that they could meet the prerequisites for admission to the Manitoba Technical Institute in Winnipeg. We are presently negotiating in the province of Saskatchewan for a similar scheme.

Mr. BADANAI: Have you carried out any similar program for the province of Ontario?

Mr. DAVEY: No, I cannot recall any in Ontario.

Mr. MONTGOMERY: Mr. Chairman, I was late coming in, and that is my fault. This may have been covered before; but I am rather interested to know what arrangements are made for the children, after they leave the day school, to get their high school education and vocational training. I come from the Saint John river area—Kingsclear, Woodstock and Tobique: are those children taken into the high schools in that area to finish their education?

Mr. DAVEY: I do not recall the exact situation with regard to the three places that you mentioned; but I know that in the provinces of Nova Scotia

and New Brunswick arrangements are made for the children from some of those reserves to go to boarding schools—not Indian boarding schools. We do not operate them at all; we have nothing at all to do with the actual operation of the school. These are private schools, I believe. We provide assistance, where it is required. We expect the parents, however, to make the best contribution they can within their means.

Mr. MONTGOMERY: I am thinking of Woodstock and the Tobique area. There are good high schools and vocational training schools in that area. I am wondering whether or not they are taking advantage of them or whether there are any obstacles?

Mr. DAVEY: I will check to see if there are any going to the schools there.

Mr. HOWARD: I have a question on this subject of vocational training.

Mr. DAVEY: Might I revert to the earlier question with respect to Kingsclear. We did make an attempt to have the children from the Kingsclear reserve take their education in the town of Fredericton. Unfortunately, the Indians did not see eye to eye with us on that proposal and we did not attempt to force it.

Mr. MONTGOMERY: There is a day school on the reservation?

Mr. DAVEY: Yes; there is one at Kingsclear and one out at St. Mary's Devon.

Mr. MONTGOMERY: I notice there are 412 listed as taking vocation courses on page 24 of this review. I was going to ask Mr. Davey if he could tell me to what provinces and what reservations those are allocated? I am specifically interested in how many are from New Brunswick?

Mr. DAVEY: In the province of New Brunswick there is only one taking commercial work and four taking trades courses.

Mr. MONTGOMERY: Where would that be?

Mr. DAVEY: Offhand, I do not know; I could find out if you wish.

Mr. MONTGOMERY: Thank you very much.

Mr. HOWARD: Mr. Davey, on this question of vocational training, near the top of page 3 of your introductory remarks it says in so far as apprenticeship is concerned, labour or trade unions have some voice in this. I wonder if you would tell us what relationships you may have, or could develop, with trade unions where they would have some voice in the apprenticeship training course? I am not saying the relationship is similar, but there is an arrangement in so far as the inmates at Collins Bay penitentiary are concerned to take vocational training in that institution. The Department of Justice has made arrangements for certain trade unions to accept, as part of the apprenticeship period, the time spent in training at Collins Bay. I am wondering whether or not some similar arrangement could be made, or which you would get in touch with trade unions in order to see if they would give way a little on their policy, which may or may not be flexible in so far as Indian children are concerned. If it is a problem—and I do not know whether or not it is—what approach have you made to trade unions to attempt to overcome it?

Mr. DAVEY: We have not, to my knowledge, made any direct approach to trade unions. We have made our approach through the departments of education which work with the various departments of labour and the trade union groups. The reaction we received was that there was a reluctance, on the part of those who established these prerequisites for admission to apprenticeship training, to lower standards. At that time we were endeavouring to have a course set up which would be acceptable in lieu of these prerequisites. We did



not make very much progress. I am not suggesting this is anybody's fault. Perhaps our approach was wrong; I do not know. However, we did not make very much progress.

Mr. HOWARD: Was this in so far as your relations with the unions were concerned?

Mr. DAVEY: No. We had no direct relations with the unions.

Mr. HOWARD: This was in so far as provincial standards were concerned?

Mr. DAVEY: Yes. The standards set for admission to the apprenticeship training courses.

Mr. STEFANSON: In Manitoba, for instance, at the residential schools operated by your department you do have vocational training to some extent. I am thinking particularly of the new school at the Fisher river agency and also the school at Norway House.

Mr. DAVEY: Yes. One of the difficulties is confusion in the use of the term vocational training. This means something quite different. It depends upon whom you are speaking to as to the interpretation put on it. We really do not consider this as vocational training in the sense that immediately following that course the student is ready to accept a job in that particular trade or profession. At the Fisher river school which you mention, we certainly do offer courses in elementary carpentry, the use of carpentry tools and, I believe, some very simple metal work.

Mr. STEFANSON: And home economics?

Mr. DAVEY: Yes; certainly, home economics. We usually call it industrial arts and home economics, because first of all these are commonly called industrial arts in the provincial system. Secondly, it really does not equip the student to accept a job immediately upon the completion of that course. It prepares him for the special vocational training course.

Mr. STEFANSON: It would prepare him for going into these courses you mentioned which you are negotiating for in the province of Manitoba?

Mr. DAVEY: Yes. In that sense they are vocational.

Mr. FAIRFIELD: I wonder if the witness could provide the figures for the per capita costs of a church residential school and a residential school operated by the department in a comparative area, say, in Manitoba? Would it be possible to obtain those figures?

Mr. JONES: We would be able to provide that at the next meeting.

Mr. MARTEL: On the question of vocational training, I may not have clearly understood you. I would like to know if the Indian Affairs Branch has any planning in respect of directing Indian students or pupils, after their schooling is finished, toward vocational schools? Do you have any plans in advance for that so that you will know, for instance, which students are better qualified and have shown some special qualities?

Mr. DAVEY: Yes. We have made a start in the province of British Columbia in this regard. We were fortunate enough to secure a qualified man in the field of guidance who had experience in one of the larger provincial school systems. He has now joined our staff and is responsible for this type of program. A similar position has also been established in the province of Alberta and I understand the competition has now been held.

Mr. MARTEL: Do you expect to extend that to all the provinces?

Mr. DAVEY: I think that perhaps in the Maritimes which has a small Indian population we might not have such a man for each of the Maritime provinces, but we certainly would have one to serve that area.

Mr. MARTEL: Do the Indian students have to reach grade 10 in order to go to a vocational school? I have in mind Amos where they opened a new

school three or four years ago. What about the planning there? I do not know whether they have plans to send students once they are finished, to the vocational school; but I would like to know if they have to reach grade 10, or if they could be sent earlier. We have also in Amos a provincial arts and crafts school. I think some of the Indian students would do well there.

Mr. DAVEY: The requirements in the province of Quebec are not quite as rigorous. I think if they have completed grade 7, that is sufficient; I think that grade 7 is the prerequisite for admission to the school. I may be wrong about that, but that is my recollection of it. I am certainly aware of the school at Amos, and I can assure you we have not forgotten about it.

Mr. MARTEL: Do you have plans to get these students later on?

Mr. DAVEY: With respect to those finishing in this school—

Mr. MARTEL: And it will apply also to similar schools across the country? According to your answer, other provinces require one to have grade 10 in order to go to an arts and crafts school.

Mr. DAVEY: Not in every subject.

Mr. MARTEL: I think in Quebec it is dependent on what you want to specialize in. Thank you.

Mr. MCQUILLAN: I was wondering what is being done in the case where Indian children are attending non-Indian schools, to preserve some of the Indian culture and art. I ask this question because I am in an area where the Indians have come a long way over the last twenty years and are highly respected generally by the people. A week ago I had the privilege of attending the dedication of what was called an Indian long house, a reproduction of an old type of Indian long house; and the Indians put on dances and entertainment there which were excellent.

I think that is one of the reasons why the white people and the Indians get along so well there, because the Indians contribute something to the community. I think it is most important that the better aspects of their culture and arts should be preserved. Now, is there any danger of losing them with this integration?

Mr. DAVEY: We have no established program for maintaining various aspects of Indian culture, because we feel that this is a matter that the Indian himself should decide, as to what he wishes to preserve and what he wants to discard. We are prepared to help if approached by the Indians. For example, to give you an illustration of what we try to do: On the Queen Charlotte Islands about seven or eight years ago a test was made to introduce a little totem carving into the school program. Instruction was given not by one of the teachers, but by a member of the community, not from a commercial aspect at all, but purely as matter of interest as part of their heritage. But the program unfortunately just did not go over at all. The Indians did not want that to be part of their school program in that particular village on the Queen Charlotte Islands.

Mr. MCQUILLAN: Perhaps it might not be part of their school program, but do you not think it might be worthwhile on the part of your department to pursue that? I think that gives the Indians the pride they need to make them feel they have something to contribute to the social life of the community.

Mr. DAVEY: What we have tried to do in this regard is this: we have tried to distribute literature to the schools which indicates to the students that they have a background of which they may be proud. I am thinking particularly of one of the books that was written and which described the achievements and the contributions the Indian people have made over the past. There was also something about their background. There was two parts to the book.

Mr. McQUILLAN: I think that aspect of it might well be pursued further because I think the Indians, in this community, have made the greatest of advances. It is an opportunity for them to make a contribution to the social life of the community of which they can be proud, and for which the community is grateful; and moreover it gives them that feeling of being part of a community, which they would not get otherwise.

That was submerged for many years—I trust the chairman will excuse me for making a statement—as a result of the abandonment of their pot latches; and of course the Indians were not allowed to pursue their dances and many other parts of their Indian cultural life. But the better parts of it are beginning to come forward and they are making a contribution. So I think it should be given a good deal of consideration because I think it has a lot to do with the Indians feeling that they are playing their part in the social life and welfare of the community.

Mr. HARDIE: I would like to ask the witness a few questions.

The Joint CHAIRMAN (*Mr. Dorion*): I am sorry, Mr. Hardie. Mr. Montgomery has been asking for the floor.

Mr. MONTGOMERY: Part of my question has been answered from Mr. McQuillan's thoughts. But the other part is this: I notice there is a tendency, or there seems to be a tendency for the Indians to start at university and then to drop out, or is this so? These figures on page 24 of the review of activities indicate that they only took the teachers training course or something like that which requires only one year. I notice in the first year there were 15, in the second year, 8, in the third year, 1, in the fourth year, 2; and that back in 1949 when it started, I think there was only one student who continued through and completed the fourth year. The tendency is for them to drop out. Would it be for financial reasons? Is it because they do not have the money, or because the department pays their way only if they wish to continue?

Mr. DAVEY: The department pays for them fully if they require that assistance. There are several conflicts which operate here. First of all, ten years ago there was only—if I remember correctly—something like 600 students in high school.

Mr. MONTGOMERY: That is right.

Mr. DAVEY: But today there are around 2,000, so as you would expect, what is happening is that this wave is just barely beginning to approach the university level. I am not able to say what percentage of university students normally drop out, but there is a wastage at university level just as there is at high school level.

Mr. MONTGOMERY: To follow that up: is there any encouragement given for a teachers training course to be taken by these Indian students?

Mr. DAVEY: Yes. We tried to direct or to encourage Indian students to take courses for which they are suited. Some excellent teachers have had difficulty in trying to get through university. If I can recall, an Indian girl, for example, approached the department for assistance, with the aim of becoming a doctor. She passed her first year—just barely passed it—and the second year she failed. The suggestion was then made to the girl she ought to select some other type of training. Certainly it happens.

Mr. MONTGOMERY: How about the nursing profession?

Mr. DAVEY: Yes, we have quite a number in nursing.

Mr. FAIRFIELD: Is there in each province a person who is responsible for going out to residential schools and to higher educational schools, whose task it is to try to persuade some brighter students to go on to technical schools or universities?

Mr. DAVEY: Yes, we have in each of our regions at least one educationist, and among his other duties this is one of them.

Mr. FAIRFIELD: How long has that post been in existence,—since 1955 or 1956?

Mr. DAVEY: No, the first position of regional inspector of schools was established many years ago, at least as far back as 1924.

Mr. FAIRFIELD: This man is not an inspector of schools, is he?

Mr. DAVEY: No, I beg your pardon. I was speaking of the inspector of schools. In British Columbia we have such a position which was established, if my memory serves me right, in 1956, and he was the first of his kind.

Mr. FAIRFIELD: But in all the other provinces you have them now?

Mr. DAVEY: We have one position established now in Alberta, but it has not been filled as yet.

Mr. FAIRFIELD: There are none in the province of Manitoba

Mr. DAVEY: Not yet.

Mr. HARDIE: I would like to ask the witness a few questions in connection with the very first part of his statement in which he said:

Any consideration of the policy and problems of Indian education must be related to the aims of the program. These may be roughly classified into three broad categories:

- (1) the education of school age Indian children as a preparation for them to take their place in Canadian society as socially and economically competent citizens.

My question in connection with the first category is this: does the meaning of socially and economically competent citizens mean socially and economically competent citizens say in the city of Edmonton or the town of Aklavik?

Mr. DAVEY: This is a question which is rather difficult to answer in one or two sentences, but certainly one could not answer the question without having regard to the conditions in the particular area which was described.

Mr. HARDIE: So it would be fair to say then, so far as the branch is concerned, that socially and economically competent citizens would vary with the location in which they live in?

Mr. DAVEY: And the possibilities of employment in that particular area and the types of employment that are available. I would say that is correct.

Mr. HARDIE: The second category is numbered two.

- (2) The education of children and adults to develop a core of leadership for Indian communities.

I am speaking now of adults. Just what does the department do to develop a core of leadership amongst the Indian in any of the reservations or in the northern part of Canada?

Mr. JONES: Mr. Chairman, this could be brought up at a later date when we are discussing the welfare field because the matter of social leadership has been given a lot of attention by the branch in the last few years. We realize there is a great need on the reserves for Indian leaders and we feel that the leadership is there if there can be some type of guidance.

Mr. HARDIE: My question is: what is the department presently doing to bring out these leadership qualities?

Mr. JONES: I was coming to that, Mr. Chairman. We started a few years ago leadership courses which were primarily operated by our own staff as pilot projects, and there was one in each province. We would bring them into



one reserve. There was an average of twelve to fifteen in each course. From each reserve would be selected one young married man or woman who had the capabilities, and we would bring them in for a week's course. This was expanded through cooperation with the provincial authorities through their community programs branch. We have these leadership courses in one form or another. They have been going on several years and we have been having some excellent results.

Mr. HARDIE: What has the department done about these leadership courses in the Northwest Territories?

Mr. JONES: I do not think we have done too much, Mr. Chairman.

Mr. HARDIE: Well, the other question concerns the third category.

(3) to prepare Indian adults for employment.

Once the department prepares the Indian adult for employment, what do they do so far as placement in job is concerned, where they can use this vocational training to advantage? Let us take the Northwest Territories; where they have had vocational training has the department gone to the Department of Transport and made any recommendations to them that, for instance, "cat" operators, "snow blower" operators and so on that are used on the airports, are available. Has the department gone to the Department of Transport and said "look, we have qualified men in the north, Indians, who are trained and can do this job; will you replace any of those people who leave these positions to go outside, with Indians"? Has the department done that? Has any department of government done that?

Mr. JONES: We have been in touch with all employers of labour in the Northwest Territories and have had a very good response.

Mr. HARDIE: How many treaty Indians that you know of are working for the Department of Transport in the Northwest Territories? Could you give me that figure at some later meeting?

Mr. JONES: Well, when the committee is discussing the economic development phases, and the welfare we will be able to explore that to a greater extent, Mr. Chairman.

Mr. HARDIE: I wonder, Mr. Chairman, if we are going to get this sort of information prior to the hearing of briefs from the different bands. To go back to my original idea, I still think the departmental officials should be questioned first. The representatives of the Indians may want to come back to give rebuttal evidence. The way things are going I am sure we are going to hear from them before we have a chance to go into all the workings of the department. I think possibly we are going to have to give the Indians a chance to give rebuttal evidence after we finish questioning departmental officials.

The JOINT CHAIRMAN (*Mr. Dorion*): We are not finished with the departmental officials. We are leaving the Department this week because it was impossible to have Indian representations present.

Mr. HARDIE: Do you want to hear them before?

The JOINT CHAIRMAN (*Mr. Dorion*): This week we are approaching the problem of education and after that we will have representatives of those Indian organizations which are ready to be heard. We decided on that. Senator Stambaugh, have you a question?

Senator STAMBAUGH: I wanted to ask the witness if you have anything to do with the program of education in the Camsell hospital?

Mr. DAVEY: Yes.

Senator STAMBAUGH: Is it under your department?

Mr. DAVEY: Yes.

Senator STAMBAUGH: Then what sort of education do you have there for them?

Mr. DAVEY: The instructions given are, chiefly, in the three "R's", but in addition to that there is some handicraft instruction given to adults. This is more of an occupational therapy rather than anything else.

Senator STAMBAUGH: A sort of rehabilitation?

Mr. DAVEY: That is correct.

Senator STAMBAUGH: That is under your department?

Mr. DAVEY: Yes.

Senator STAMBAUGH: Thank you.

The JOINT CHAIRMAN (*Mr. Dorion*): If you have no objection, we will continue with this witness tomorrow afternoon at 3:30, and after that, we will hear Mr. Gordon.

Mr. HARDIE: Still on education?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.



















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Joint Committee of the Senate and the House of Commons

on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone  
and  
Mr. Noël Dorion, M.P.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

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WEDNESDAY, JUNE 17, 1959

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WITNESSES:

*From the Department of Citizenship and Immigration:* Mr. Laval Fortier,  
Deputy Minister; Mr. H. M. Jones, Director, Indian Affairs Branch;  
and Mr. R. F. Davey, Chief of Education Division.

MEMBERS OF THE COMMITTEE  
FOR THE SENATE

Hon. James Gladstone,  
*Joint Chairman,*  
Hon. W. A. Boucher,  
Hon. D. A. Croll,  
Hon. V. Dupuis,  
Hon. M. M. Fergusson,

Hon. R. B. Horner,  
Hon. F. E. Inman,  
Hon. J. J. MacDonald,  
Hon. L. Methot,  
Hon. S. J. Smith,  
Hon. J. W. Stambaugh,  
Hon. G. S. White—12.

FOR THE HOUSE OF COMMONS

Mr. Noel Dorion, *Joint Chairman,*  
Mr. H. Badanai,  
Mr. G. W. Baldwin,  
Mr. M. E. Barrington,  
Mr. A. Cadieu,  
Mr. J. A. Charlton,  
Mr. G. C. Fairfield,  
Mr. G. K. Fraser,  
Mr. D. R. Gundlock,  
Mr. M. A. Hardie,  
Mr. W. C. Henderson,  
Mr. F. Howard,  
Mr. S. J. Korchinski,

Mr. R. Leduc,  
Mr. J. J. Martel,  
Mr. H. C. McQuillan,  
Mr. H. J. Michaud,  
Mr. G. W. Montgomery,  
Mr. R. Muir (*Cape Breton North  
and Victoria*),  
Mr. J. W. Murphy,  
Hon. J. W. Pickersgill,  
Mr. A. E. Robinson,  
Mr. R. H. Small,  
Mr. E. Stefanson—24.

Quorum—9

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

WEDNESDAY, June 17, 1959.

(4)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 3.40 p.m. this day. The Joint Chairmen, Honourable Senator Gladstone and Mr. Noel Dorion, presided.

*Present:*

*The Senate:* Honourable Senators Boucher, Fergusson, Gladstone, Inman, MacDonald, Stambaugh.

*The House of Commons:* Messrs: Charlton, Dorion, Fairfield, Fraser, Hardie, Henderson, Howard, Martel, Montgomery, Robinson, Stefanson.

*In attendance: From the Department of Citizenship and Immigration:* Mr. Laval Fortier, Deputy Minister; Mr. H. M. Jones, Director, Indian Affairs Branch; Mr. C. I. Fairholm, Executive Assistant to the Director; Mr. R. F. Davey, Chief of Education Division; and Mr. J. H. Gordon, Chief of Welfare Division.

A communication from Andrew Paull, President, North American Indian Brotherhood, was brought to the attention of the Committee and it was discussed.

*Agreed,*—That the Committee members would read a brief submitted by Mr. Paull before representatives of that organization are called to appear before the Committee.

On motion of Mr. Fraser, seconded by Mr. Charlton,

*Ordered,* That, in those instances when a prepared submission is to be presented to the Committee, the Clerk of the Committee ensure that mimeograph copies of that statement be available for the information of Committee members.

The Director of the Indian Affairs Branch read the answers to certain questions asked previously. The departmental officials were further questioned respecting the topic of "Education".

At 5.10 p.m. the Committee adjourned until 3.30 p.m., Tuesday, June 23, 1959.

E. W. Innes,  
*Clerk of the Committee.*





## EVIDENCE

WEDNESDAY June 17, 1959  
3:30 p.m.

The JOINT CHAIRMAN (*Mr. Dorion*): Gentlemen, I see a quorum. We have received a few communications this morning, including one from the President of the North American Indian Brotherhood, Mr. Andrew Paull, of British Columbia.

Senator BOUCHER: Where is Mr. Paull from?

The JOINT CHAIRMAN (*Mr. Dorion*): Vancouver, B.C. He will be ready to be here during the week of June 28. If it is your intention to hear him during that week, we can pass the necessary resolution. This is a resumé of his letter: a letter has been received from Andrew Paull, President of the North American Indian Brotherhood, requesting an opportunity to appear before this committee as soon as possible. As he is in poor health, he requests that air transportation be paid to Ottawa and return for himself and his wife.

It might be possible for us to hear him during the week of June 28, which is a time when we intend to hear the representatives of the Native Brotherhood of British Columbia. During that week it might be possible to hear the representatives of these two groups. If you agree, we could pass this resolution: that the committee hear Mr. Andrew Paull, President, North American Indian Brotherhood, during the week of June 28, 1959, and that necessary transportation and living expenses be provided for him and one companion—which would be his wife, because he is sick.

Senator STAMBAUGH: Do you not think he could stay away from his wife for one week?

The JOINT CHAIRMAN (*Mr. Dorion*): It is not for one week; we will fix the date. It will be during that week. Do you move that resolution?

Mr. FRASER: First of all, Mr. Chairman, the week of June 28 brings us into July 1st week, and I think there are special things on here on June 30 and July 1st. That really only leaves us a couple of days in that week. That has to be taken into consideration.

The JOINT CHAIRMAN (*Mr. Dorion*): We have to give him time to make his arrangements to come here. If you believe that it will be difficult that week, we can postpone it.

Mr. FRASER: I really believe it is a difficult week. I do not know what the rest of the committee feel.

The JOINT CHAIRMAN (*Mr. Dorion*): We could fix it for that week or the following week. Do you agree?

Mr. FRASER: I just want to ask one more question, Mr. Chairman. Are we creating a precedent by giving flying privileges for himself and his wife?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Senator STAMBAUGH: I do not think we should make any exception. Why should we? What circumstances are there that we should make an exception in this case?

The JOINT CHAIRMAN (*Mr. Dorion*): If you have no objection, the Clerk will read to you the letter we received.

The CLERK: This is addressed to myself, as clerk of the Committee.

Dear Sir,

I had not answered your telegram of June 10th for the reason that I am not assured of plane transportation for myself and my wife, so I telephoned the Indian Commissioner to obtain more information from Ottawa, and he told Ottawa I should not be asked to go unless my wife goes with me by plane.

The reason is that I have been seriously sick but now recovering, but I get asthmatic attacks at night, which would be disastrous were I alone in a hotel room.

In the day time I am all right and I will go whenever the honourable committee wishes and my transportation with my wife is arranged.

I am meeting my Squamish band council to arrange whatever may be done to ensure my arrival before the committee.

The last time we appeared before the joint committee the government paid all expenses, and this time I had written the Prime Minister asking that this be done for this appearance before the present Indian Act committee.

The Indian commissioner told that what was required of me immediately is that my brief should reach the committee, and I promised to mail it today.

I ask that this brief be printed as part of the proceedings of the committee, also the addenda, copy of an order in council of 1875, as this will apprise the committee of the legal situation, and it supports some of my submission, so it is necessary that this order in council be also read to the committee and printed in the record of the proceedings of the honourable committee.

I could not tell you when I could reach there unless transportation was provided for my wife and I, and for confirmation you can consult the Indian affairs branch here or in Ottawa.

Thanking you, with the hope of hearing from you soon, and in the event the committee will not provide transportation, I would have to ask my band council for this.

Thanking you,

Respectfully yours,

(Sgd) Andrew Paull.

Andrew Paull,  
Grand Chief.

President, North American Indian Brotherhood.

Senator STAMBAUGH: That puts quite a different complexion on the subject of course. It is quite different, now that you have read the reason.

The JOINT CHAIRMAN (*Mr. Dorion*): Do you agree?

Mr. HOWARD: I have some wonderment about it. I know Mr. Paull has been very ill for quite some time which may affect the thinking of the committee. But it does not seem too wise to authorize an individual and his wife—this is, normally speaking—unless his wife is actually a delegate or representative of the North American Indian Brotherhood also.

I am just wondering whether the committee might not get into difficulty with the North American Indian Brotherhood in authorizing Mr. Paull and Mrs. Paull to do this, because in internal discussions they might say: what

right have we to do this, when it should have been someone else, maybe a secretary or another officer of the North American Indian Brotherhood? I only raise that because it may be a problem. I know Andy Paull, and I know some of the workings there.

The JOINT CHAIRMAN (*Mr. Dorion*): We could have the assurance of Mr. Paull that his wife is his associate. That organization, like the others, has the right to have two representatives before the committee. It would then be settled in that manner.

Mr. HOWARD: I think that if we approached it in that light and indicated that to Mr. Paull, we might save ourselves some difficulty.

The JOINT CHAIRMAN (*Mr. Dorion*): That is right.

Mr. FRASER: May I add something, Mr. Chairman? May we ask the opinion of the deputy minister regarding this? What does the deputy minister feel regarding this?

Mr. LAVAL FORTIER (*Deputy Minister, Department of Citizenship and Immigration*): As far as Mr. Paull is concerned, as Mr. Howard just mentioned, he is a very sick man—there is not the slightest doubt about it. When he came to Ottawa—I believe two or three years ago—he was here without his wife, but we had to bring her in. He was in hospital here and at that time we thought he was going to die, in fact. He may need his wife for the reason explained.

Senator STAMBAUGH: Perhaps he should not come at all.

The JOINT CHAIRMAN (*Mr. Dorion*): In order not to create a precedent, perhaps the wording of the resolution should be as follows: that the committee hear Mr. Andrew Paull, President, North American Indian Brotherhood, during the week of June 28, 1959, or the following week, and that transportation and living expenses be provided for him and one associate—if she is his associate.

The JOINT CHAIRMAN (*Senator Gladstone*): Have we received his brief?

Mr. HARDIE: There is no rush; we have all next year, have we not?

The JOINT CHAIRMAN (*Mr. Dorion*): She is an associate, but maybe not in the manner of the resolution.

Mr. CHARLTON: Was it not my understanding that the week of June 28 would be pretty well filled up and that we should not commit ourselves to that week?

The JOINT CHAIRMAN (*Mr. Dorion*): Not necessarily that week, but if it is possible. We will have a meeting of the steering committee and we will decide if it is possible to have a meeting during that week. If it is not, then it will be for the following week.

Mr. CHARLTON: But my understanding was that your resolution, as it read there, was either the week of June 28 or the first week of July. Have you wired him or sent him word to that effect? He could be here from June 28 to the first week in July and would have to have his expenses paid.

The JOINT CHAIRMAN (*Mr. Dorion*): No; we will fix a date.

Senator STAMBAUGH: You are asking authority for the steering committee to fix the date?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Senator STAMBAUGH: Either one of those weeks?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Mr. HARDIE: In any event, we are not going to hear all these representations this year from Indian bands or Indian councils, that is sure. I do not see the real rush in flying Mr. Paull out. Maybe he is not in a condition to be here.



The JOINT CHAIRMAN (*Mr. Dorion*): We intend during the same week to hear two groups, the group that Mr. Paull represents and another group, the Native Brotherhood of British Columbia.

Mr. FAIRFIELD: Mr. Chairman, I think that under the circumstances this man may arrive here and be ill for a week. I think the motion should be amended to read, "Mr. Paull or any representative from the North American Indian Brotherhood", because in the condition in which he is, even a change in atmosphere can bring on quite an attack. I do not think he would be a dependable witness.

The JOINT CHAIRMAN (*Mr. Dorion*): That is a good suggestion.

Mr. FRASER: Mr. Chairman, I do not like to be speaking all the time, but I wish to make another suggestion. Is the brief here?

The CHAIRMAN: It is being mimeographed.

Mr. FRASER: Would it not be wise for the committee to have the brief before it, and after it has been read by the committee then we could arrange for Mr. Paull to come here?

The CHAIRMAN: Yes; we will postpone this matter until then.

Mr. FRASER: I think that is the wisest thing to do, if it is the wish of the committee.

The CHAIRMAN: Very well. Do you withdraw your motion, Mr. Howard?

Mr. HOWARD: I think the chairman assumed I moved it. I do not object.

The CHAIRMAN: Then there is no motion.

Another motion is the following:

That, in those instances when a prepared submission is to be presented to the committee, the Clerk of the committee ensure that mimeograph copies of that statement be available for the information of committee members.

Do we agree?

Agreed.

At our last meeting certain questions were asked of Mr. Jones. He is ready to give his answers.

Mr. H. M. JONES (*Director of Indian Affairs, Department of Citizenship and Immigration*): Mr. Chairman, and ladies and gentlemen of the committee, regarding the cost of education in the Northwest Territories, when the committee met on June 3, Mr. Gundlock asked if the expenditures for education for Indian affairs included the cost of educating Indians in the Northwest Territories. I said I would check on this. The cost is not included in Indian affairs expenditures but is met from a vote from the Department of Northern Affairs and National Resources.

Regarding the number of church-owned residential schools, yesterday when asked about the number of church-owned residential schools I mentioned, subject to correction, that there were twelve. Actually, there are nine church-owned residential schools with which the branch deals. In addition there are some church-owned residential schools in the Northwest Territories and the Department of Northern Affairs and National Resources deals with them. There are 58 government-owned residential schools operated on behalf of this department by various religious authorities.

Yesterday Mr. Henderson made reference to an unsatisfactory situation at Moberly lake some time ago. The following is the situation:

At the present time there are 27 pupils attending the Moberly lake public school for whom tuition fees are paid to the school district at the rate of \$150 per pupil per annum. This is the rate that applies to all Indian students enrolled in the public schools of British Columbia. The rate was negotiated with the Department of Education.

At the present time the Department of Citizenship and Immigration has a contract with the owner of a school bus for transporting the Indian children to the public school.

No difficulties with the present arrangements have been brought to our attention.

A question was asked by Mr. Montgomery, where are the five vocational training students receiving their education. The answer is as follows:

The five students reported attending vocational training school in the 1957-1958 academic year received their training at the New Brunswick Technical Institute at Moncton, New Brunswick. Two of these students were from the Kingsclear agency, one enrolled in a secretarial course and the other in motor mechanics. The three students from the Tobique agency enrolled in drafting, motor mechanics and carpentry courses.

The following is a question asked by Mr. Montgomery, together with the answer:

Mr. MONTGOMERY:

Q. I come from the St. John River area—Kingsclear, Woodstock, Tobique: Are those children taken into the high schools in that area to finish their education?—A. The following statement shows the number of Indian children from the Tobique and Kingsclear agencies attending high school in the 1958-1959 academic year. Woodstock is part of the Kingsclear agency.

School and Grade	No. of Pupils	Agency
1. Edmundston Public School, Edmundston, N.B.		
Grade 9.....	2	Tobique
2. Perth Regional High School, Perth, N.B.		
Grade 9.....	7	Tobique
3. St. Joseph's Convent, Mabou, N.S.		
Grade 10.....	1	Tobique
4. St. Mary's Academy, Newcastle, N.B.		
Grade 9.....	2	Kingsclear
Grade 10.....	1	Kingsclear
5. St. Thomas College, Chatham, N.B.		
Grade 9.....	1	Kingsclear
	1	Tobique
Grade 10.....	1	Tobique
	3	Kingsclear
Grade 11.....	1	Tobique
	1	Kingsclear
6. Villa Teresita, Newcastle, N.B.		
Grade 11.....	1	Tobique
TOTAL.....	14	Tobique
	8	Kingsclear
GRAND TOTAL.....	22	

Then Mr. McQuillan asked: Do you have Indian children attending Tofino school? The answer is, no.

The following is another question asked by Mr. McQuillan, together with the answer:

*Mr. McQuillan:*

Q. Could you give us—perhaps not now but later—some indication of the various rates you allow boards across the country for tuition and capital cost allowance?—A. The lowest tuition fee paid is \$20 per annum per pupil and the highest is \$345 per annum per pupil for pupils enrolled in provincial schools at the elementary level. The average cost has not been computed but is estimated at \$225 per pupil. In some cases these amounts cover not only the net operating cost to the board but also provision for capital expenditures. The Indian affairs branch does not, of course, provide for an amount to cover capital expenditures in the tuition grant payments where lump sum payments have been made to cover capital expenditures required by the admission of Indian children.

These lump sum payments are based upon the contract price which is shared on a pro rata basis. The cost is approximately \$1,200 per pupil but varies according to the type of building and the location.

The following question was asked by Mr. Fairfield:

*Mr. Fairfield:*

Q. Could you give me the cost of maintenance and repairs to those schools say in the last fiscal year or have you a break-down?—A. The expenditures for repairs and maintenance of government-owned residential schools for 1958-1959 fiscal year was \$482,988.19.

Mr. Fairfield also asked the following question:

I wonder if the witness could provide figures for the per capita cost of a church residential school and a residential school operated by the department in a comparative area, say, in Manitoba? Would it be possible to obtain these figures?

The answer is as follows:

Answer: The following table indicates the comparative costs on a per pupil basis:

Church-owned school

Holy Angels—Alberta.....	\$555.00
Albany—Ontario .....	554.24

Government-owned school

Assumption—Alberta .....	\$772.25
Fort Vermilion—Alberta .....	851.52

There are no church-owned residential schools in Manitoba, so we had to go a little further afield.

Mr. HARDIE: I wonder if these figures in respect of the government-owned schools, that is the figures of \$772.25 and \$851.52, include any allowance for depreciation of buildings, repair and upkeep? Is that just teachers, etc.

Mr. JONES: These are government-owned schools.

Mr. HARDIE: There is no allowance for depreciation, wear and tear of buildings, repair, and so on?

Mr. JONES: The cost of operating would include any cost of maintenance but not depreciation of the building.

Mr. HARDIE: Not depreciation?

Mr. JONE: No.

Mr. HARDIE: Does it take in all cost by way of depreciation of the buildings?

Mr. JONES: Operating costs, no allowance for depreciation.

Mr. HARDIE: I wonder if some time you could give me an idea of how the operating costs are split. In arriving at these figures I would like to know all the factors which make up your operating costs.

Mr. JONES: You want that information for just the government-owned schools?

Mr. HARDIE: The government-owned schools; you pay nothing towards the up-keep and capital expenditure with respect to the other schools?

Mr. JONES:

Mr. Hardie asked yesterday: Is the per capita grant today to the Roman Catholic or Anglican missions at Aklavik for Indian pupils any different than it was in 1954, or do you know of any difference from when you turned it over to Northern Affairs in 1954? What is the per pupil cost?—A. Enquiry has been made from the Department of Northern Affairs and National Resources, and I am informed by that department that the annual per pupil payments to the church authorities are as follows:

Table

AKLAVIK

1954

Roman Catholic Indian Residential School .....	493.84
Anglican Indian Residential School .....	518.00

1959

Roman Catholic Indian Residential School .....	493.85
Anglican Indian Residential School .....	600.00

The above table represents payments to the religious organization operating the school. Subsequent to 1954 the Department of Northern Affairs and National Resources assumed responsibility for the employment of the teachers and the church bodies were relieved of this responsibility. The operating costs have, therefore, increased substantially.

The school and hostels at Fort Smith have only recently opened and, consequently, a comparative statement of costs cannot be prepared.

Mr. HARDIE: I wonder if I might ask Mr. Jones a further question in regard to the last answer: Does the department of Northern Affairs provide you with operating costs for the Indian pupils in these schools?

Mr. JONES: Only on request.

Mr. HARDIE: You are not really interested in what it costs. Your department is not interested in what it costs to educate an Indian child in the Northwest Territories. Is that right?

Mr. JONES: They have a responsibility under an agreement with our minister to educate Indian children in the Northwest Territories, that that expenditure comes out of their vote.

Mr. HARDIE: That is, from Northern Affairs?

Mr. JONES: That is right.

Mr. HARDIE: You say there is an agreement between your minister and the minister of Northern Affairs?



Mr. JONES: No, with the commissioner of the Northwest Territories.

Mr. HARDIE: And your department is really not interested in the costs, or in a comparison of operating costs for schools in other parts of Canada, as compared to costs in that part of the country?

Mr. JONES: The department of Northern Affairs embarked upon an educational program to some extent in the Northwest Territories under very difficult conditions due to geographic and isolation factors. We have our own educational program which we are pursuing.

Mr. HARDIE: In the Northwest Territories?

Mr. JONES: No, in the rest of Canada; but we do not dictate to them as long as they are educating Indian children under the Indian Act.

Mr. HARDIE: You have the responsibility now for educating children under the Indian Act?

Mr. JONES: That is right.

Mr. HARDIE: The responsibility of seeing that this is done is still your responsibility, yet all you do is to transfer over to the department of Northern Affairs certain administrative functions, but not the responsibility?

Mr. JONES: The responsibility passes through an agreement, just the same as we negotiate a joint agreement with a municipality.

Mr. HARDIE: You would be a pretty poor businessman if you were to transfer by an agreement your responsibility to another branch of the government and then not see to it that such responsibility was carried out under the Indian Act or according to the responsibility laid down by Parliament.

Mr. JONES: Mr. Chairman, we have a committee on costs which meets occasionally. They have to report to the same financial authority that we do, namely, treasury board. I have been at several meetings where they have discussed relative costs between Indian Affairs and Northern Affairs, so that we do have a very close working relationship.

Mr. HARDIE: Well, I shall leave the Northwest Territories for a moment and take the rest of the country. Other of your department signing contracts with respect to education to non-Indian school boards, what provision does the branch make to guarantee that the educational services provided by non-Indian schools are meeting specifically the needs of the children in attendance? How often do your inspectors visit the classrooms to inspect the work done in the schools?

Mr. R. F. DAVEY (*Chief of Education Division, Indian Affairs Branch, Department of Citizenship and Immigration*): We have the assurance that the standards are being maintained in the provincial schools. First of all, there is the regular inspection by the provincial inspectors. Secondly, the education that is being offered in the provincial schools is acceptable to the non-Indian population, and therefore the standards are maintained. Thirdly, our inspectors do visit the provincial schools regularly in the course of their tours throughout the region for which they are responsible, and fourthly, we have in British Columbia education specialists who visit the schools and confer with the principals with respect to the pupils in the matter of the programs which they are following.

Our agreements with the various provincial school boards not only extend this privilege to visit, but also the school boards in entering into those agreements give us the assurance that exactly the same educational opportunities will be given to our pupils as to the other pupils in the schools.

Mr. HARDIE: I can see that the opportunity is provided, but I wonder if your branch officials ever interpret particularly to the teachers the cultural background of the native Indians, and ways and means of adapting teaching methods in the schools to that background.



Mr. DAVEY: We have not made representations to any provincial department of education that they change their curriculum to meet our requirements. But there are from time to time meetings of our own teachers with provincial teachers and in this way there is an exchange of views and an exchange of ideas, so this does happen in that particular regard.

Mr. HARDIE: Does your branch keep any specific records of progress made by the pupils in given areas?

Mr. DAVEY: We certainly do.

Mr. HARDIE: And do these records enable you to find out how these pupils are doing?

Mr. DAVEY: That is right. We report annually in our report the number in each grade. This table is compiled from an examination of the records of each provincial school at which these pupils are attending.

Mr. HARDIE: I mean a little more specifically than that. Let us say that you have a number of pupils in an Indian school. Do you follow it up to see how far they go, and how far they go when they reach high school. And do you follow those pupils to find out what they are doing after they leave school?

Mr. DAVEY: Yes, and we go further than that. We actually have, in the various regions, officers known as placement officers. This is really a new position.

Mr. HARDIE: Yes, it is new this year.

Mr. DAVEY: This comes under a different division. I do not know when this was established. But we provide to these placement officers the names of the pupils who will be graduating from high school, or who will be graduating from the various vocational schools, and we ask them to help in placing these pupils in employment.

Mr. HARDIE: With these statistics, could you provide me with the number of pupils in attendance at non-Indian schools, say from grade 8 up to grade 12; also the number of pupils in some of the church-owned schools in the same grades, and the government-owned schools in the same grades.

Mr. DAVEY: It will take me some time to compile that list.

Mr. HARDIE: Well, that will be fine; so long as you have the statistics it should not be too difficult.

Mr. HOWARD: Colonel Jones, if I may, I would like to follow up on some of the information which you gave at the start of today's meeting. I hope you will excuse me if I do not recall exactly the figures which you used. In so far as agreements with the public school boards, religious organizations and so on are concerned, I understood that in British Columbia you have a uniform tuition fee of \$150 a year and that was originally negotiated with the provincial Department of Education.

Mr. JONES: Yes.

Mr. HOWARD: And then in any subsequent agreements into which you entered, you did not negotiate either way from the \$150 a year, and this has become a set tuition fee which the Indian affairs branch pays to the school boards or private organizations?

Mr. JONES: That is right.

Mr. HOWARD: Have you discovered whether there has been much objection expressed by school boards because of the high cost of operating the schools? I am thinking now of public schools—the high cost of operating public schools in particular school districts because of salaries, isolation and so on.

Mr. DAVEY: There have been. I understand there have been some representations made to the Department of Education in regard to this. I do not recall receiving any direct from the school board, but if we did we would refer it to the Department of Education. We would say: we have received these representations; what is your reaction?

Mr. HOWARD: Do you follow the practice of having uniform tuition fees in other provinces?

Mr. DAVEY: British Columbia is the only province in which we have those arrangements. One of the reasons for that is because British Columbia happened to have organized the whole of the province into the larger administrative units; consequently, a flat rate can be negotiated with 80 odd school boards; whereas in a province such as Ontario, where there are many, many school boards, it would be an impossible task to negotiate this on a uniform basis.

Mr. HOWARD: I am wondering whether the establishment of a uniform tuition fee, applicable to an entire province, is advantageous or not both to the province, the school board and the Indian affairs branch because of different cost factors in different parts of the province. I am wondering whether there might not be some advantage in relaxing the rigidity inherent in setting the sum of \$150 a year or whatever figure might happen to be set.

Mr. DAVEY: I am afraid I cannot answer that question, Mr. Chairman. The arrangement certainly has been satisfactory to our department. We feel this is a matter in which the Department of Education is extremely interested.

Mr. HOWARD: You mean the provincial government Department of Education?

Mr. DAVEY: Yes.

Mr. HOWARD: I am just wondering why. Incidentally, I asked some questions of the minister in the house along those lines. The answers I was given list the groups with which various agreements are entered into, the percentage of the federal government contribution toward the capital cost of the schools and the tuition fees. Although British Columbia is uniform and is listed at \$15 a month which, I imagine, is on a ten-month basis, I notice there is quite a variance; it ranges from \$5 a month in one place, I believe, and that is in New Brunswick, if I am not mistaken the Roman Catholic Episcopal Corporation of Bathurst, New Brunswick—up to \$25 in other parts of the nation. Inasmuch as that might reflect different costs of operating schools in different parts of the country, I am wondering whether you might not expand the same principle and apply it to British Columbia, which is the only province where you have a uniform fee in effect. Consideration could then be given to the extra cost of operating salaries, isolation and so on under the public school system in British Columbia—the extra cost involved in the northern part as compared with the areas close to Vancouver.

Mr. DAVEY: Of course, this problem is closely related to the provincial system of school grants and that is why we approach it through the Department of Education. I would not like to comment further than that on the matter.

Mr. HOWARD: In connection with the contribution toward the capital cost of schools, with which you have agreements, I assume the amount that you pay toward capital cost is in ratio to the percentage of Indian children—in relation to the total school population?

Mr. DAVEY: That is correct.

Mr. HOWARD: In one or two cases you have made a 100 per cent contribution, you have paid the entire amount; what happens there?

Mr. DAVEY: Perhaps I might explain that by reference to a particular spot. In the case of the joint agreement which was made with the school board at

Sarnia, Ontario, the board had erected a new school two or three years before we made our approach to them. We came along and asked that something like 100 children be admitted to this school. They accepted this in principle but said: we will have to expand our school in order to admit this number of Indian pupils; will your department assume the cost of adding the classrooms which are required solely by reason of the admission of Indian children. If my memory is correct, three classrooms were added to take care of the 100 Indian pupils and so naturally we assumed 100 per cent of the cost.

Mr. HOWARD: You assumed 100 per cent of the cost?

Mr. DAVEY: Yes, that is right.

Mr. HOWARD: That was for the addition?

Mr. DAVEY: Yes.

Mr. HOWARD: Now, I would like to proceed to a different subject. Do you have any difficulty in obtaining qualified teachers? Do you have many who work on what we classify provincially as a certificate basis—although they are not actually qualified, they have the formal number of school years and so on?

Mr. DAVEY: Do you mean teachers to whom we frequently refer as permit teachers?

Mr. HOWARD: Yes.

Mr. DAVEY: We have a percentage of permit teachers in our schools. This problem, of course, is met by provincial school boards, particularly in the rural areas. The proportion of permit teachers in the Indian school system today is comparable to the situation in the rural schools of the various provinces.

Mr. HENDERSON: Moberly Lake has a qualified teacher, so has Kelly Lake; but the lady, the wife of the teacher at Moberly Lake, was a teacher of long-standing in the country, and seemed to take a very great interest in the children, rearing such things as Christmas trees and all that. He went to a great deal of trouble and, as I said before, I was on the school board, I was chairman, and his wife did wonderful work there. Yet she was not a qualified teacher.

Mr. DAVEY: The percentage of permit teachers in our Indian day schools runs between five and ten per cent.

Mr. HOWARD: On this question of tuition fees—and, again, I guess I must refer to my home province, because that is where you have the uniform flat scale—how long ago was that \$150 a year established?

Mr. DAVEY: I do not recall the exact date.

Mr. HOWARD: Two years, three, or four?

Mr. DAVEY: It was at least three years ago.

Mr. HOWARD: Is there any provision in the agreements with the provinces, in so far as this flat tuition rate is concerned, for an escalator clause; because our costs are going up the same as everybody else's, and I am sure our provincial department of education would like to get some more money out of you? While I am not their official spokesman, I think I should raise that question.

Mr. DAVEY: There is no formal agreement, no written document which sets out the various clauses. There was an exchange of letters, at which time it was agreed that \$50 would be satisfactory; and my understanding is that the department of education consulted with the various school boards to see whether or not this was an acceptable figure. As a result the amount of \$150 was set. I see no objection to departments of education making representations.

Mr. HOWARD: Do you see any objection from the point of view of your fund?

Mr. DAVEY: No.

Mr. HOWARD: But, anyway, on the contribution that you make towards capital costs of schools, does that amount relieve the interest rate that might be paid on borrowings necessary to build schools?

Mr. DAVEY: When we make a lump sum contribution?

Mr. HOWARD: A capital cost contribution?

Mr. DAVEY: No, when we make a lump sum contribution towards the cost of expanding or building a non-Indian school there is no interest charged at all because, of course, we are making our payment while the school is under construction.

Mr. JONES: In other words, Mr. Chairman, the cheque is payable direct to the school immediately the tenders are let, so they do not have to go to the taxpayer and float any money on bonds or debentures.

Mr. HOWARD: For your portion?

Mr. JONES: For our portion. As soon as they notify us the amount of the contract that has been let, our cheque goes, 100 per cent.

Mr. CHARLTON: Before proceeding with my other question, Mr. Davey made reference, in answering Mr. Howard, that you had five to ten per cent permanent teachers?

Mr. DAVEY: "Permit" teachers.

Mr. CHARLTON: Oh, permit teachers?

Mr. DAVEY: Yes, these are teachers—

Mr. CHARLTON: Without the necessary qualifications?

Mr. DAVEY: Without the usual qualifications.

Mr. CHARLTON: You have between 90 and 95 per cent teachers with the ordinary teacher qualifications for the various provinces?

Mr. DAVEY: Yes, that is right.

Mr. CHARLTON: I wonder if Mr. Davey could give me any kind of progress report in the integrated schools as compared to the regular Indian day schools; that is, a progress report on the pupils attending the integrated school, as against the strictly Indian day school?

Mr. DAVEY: I certainly could not provide that answer this afternoon. In terms of the numbers that had been promoted each year and those that had failed, is that is?

Mr. CHARLTON: Yes, the progress of the various pupils in the schools. Naturally you cannot keep the same pupil in the different schools, but you would, I assume, have a record of the pupils continuing on, and the progress those various pupils made in each case. I wondered if there was any comparison you could give me of the progress of pupils in the integrated school as against the progress in the strictly Indian day school?

Mr. DAVEY: I am not sure whether our statistics are good enough to provide that information or not; but we have attempted to make a study of that nature.

Mr. CHARLTON: It was suggested at the last committee meeting that there was some thought on the part of non-Indian people that the Indian pupils were holding the white pupils back, probably slowing up the process in the integrated school. I do not believe that would hold true in my own reserve, at least. I just wondered if you had any indication what it was, Canada-wide?



Mr. DAVEY: In certain areas we do know the results of the pupils on standardized tests, as compared with the results of the pupils as a whole in non-Indian schools; and in some areas the results are certainly comparable, if not better. In other areas, the reverse is the case. It depends on the locality.

Mr. FAIRFIELD: You mentioned placement officers. What position in the category of the estimates do they hold? Are they clerks; are they trained people?

Mr. JONES: They come under the economic development division, Mr. Chairman. They are a fairly recent appointment—two years is the longest we have had any. They rate in the administrative officer class; they are much above the clerical or assistant type. I can get you just the salary range.

Mr. FAIRFIELD: I do not think that is necessary.

Mr. JONES: But they are a much senior officer to a clerk.

Mr. FAIRFIELD: Would it be possible for you to get the number of placements made in the different regions for the year 1957-58?

Mr. JONES: I think, Mr. Chairman, we will have that under another division. I think Mr. Gordon is prepared to give that information, if we get to welfare.

The JOINT CHAIRMAN (Mr. Dorion): That is right. Senator Stambaugh?

Senator STAMBAUGH: I wanted to ask you if in the various provinces you use the provincial curriculum in your own schools, the same curriculum that is used in the integrated schools?

Mr. DAVEY: Yes, that is correct. We do make some major adaptations in the case of our seasonal schools, which are few in number and enroll only a few pupils.

Senator STAMBAUGH: Is that your short term schools, summer schools?

Mr. DAVEY: Yes, that is right.

Mr. HENDERSON: We have some of them up the highway. They go away trapping in the winter and take the "kids" with them; and they come back in the summer.

Mr. MARTEL: Mr. Chairman, in the statement we have on education, Indian education, policy and problems, the one made by Mr. Davey yesterday, on page 2, I noted his remarks in so far as high school instruction is concerned. It says:

It has been the policy of the branch to avoid as much as possible the establishment of Indian high schools through the admission of Indian children to non-Indian schools.

Later on, at the end of this paragraph, it says:

As a result, it has been necessary to establish a limited Indian high school program by which education at the secondary level is now offered in several schools.

Was the establishment of that limited Indian high school program proposed by the department, or did it come about as a result of the need for higher education among the Indian students?

Mr. DAVEY: It came about as a result of the need for...

Mr. MARTEL: Certain areas?

Mr. DAVEY: Certain areas.

Mr. MARTEL: There were too many?

Mr. DAVEY: That is right—more children than we could find boarding accommodation for close to provincial schools.



Mr. MARTEL: In the same line of questioning asked by Mr. Charlton: I do not know if I understood your answer properly, but it would seem to me we could assume in certain cases that the white students would be holding back, maybe, the Indian students, where they are going to non-Indian schools. I am not sure whether that is the right meaning.

Mr. DAVEY: The difference is not enough to have any appreciable effect. The results of these tests show that in these few schools the achievement of the Indian pupil in the Indian school was actually higher than that which was achieved in the nearby provincial schools.

Mr. MARTEL: And where there are Indian pupils in non-Indian schools, is that comparable with the pupils of Indian schools?

Mr. DAVEY: In the one particular case I am thinking of, the Indian pupil who goes on into the secondary schools and mixes with the non-Indian students does just as well as the non-Indian child.

Mr. MARTEL: But do they do just as well in non-Indian schools as the Indians themselves do in their own high schools for Indians only?

Mr. DAVEY: We have so few Indian high schools that this would not be a fair comparison.

Mr. HARDIE: How do you compare the progress of the Indian student in a non-Indian school to a student attending the Indian school at Kamloops, or possibly the one at Le Bret?

Mr. DAVEY: The record of the Kamloops and Le Bret secondary schools in the matter of education has been excellent, of course. At both of these schools the Indian student writes the provincial examination, and each year we have a high percentage of passes—a pass rate which is comparable with the provincial rate.

Mr. HARDIE: With regard to this high pass figure, how does it compare in the case of Indians attending non-Indian schools?

Mr. DAVEY: It is about the same.

Mr. HOWARD: I wonder if you could tell us what your experience has been in so far as truancy is concerned, as compared with the general question of truancy in non-Indian schools?

Mr. DAVEY: This is a difficult question to answer, because it depends partly on what you mean by truancy. If you are thinking of whether or not the Indian child attends as regularly as the non-Indian child, factors of migratory work come into it.

Mr. HOWARD: Discount, then, the migratory question: I hope to deal with that a little later.

Mr. DAVEY: I would say that the attendance record of Indian children has not been as good as in the case of pupils attending non-Indian schools. But this is improving very quickly. Before the war, the attendance record in Indian schools was less than 60 per cent; now it is close to 90 per cent and is almost comparable to the provincial records.

Mr. HOWARD: In your comments yesterday, you mentioned the establishment of—I think you called them seasonal schools, or schools for children where the parents move away. This is a problem locally, at home, all along the Skeena river to the Naas and the Queen Charlottes and other parts to the south where, during the fishing season, there is a tremendous migration of Indian parents who come from all of the outlying areas to Prince Rupert, Klemtu, Butedale, and so on, to either fish or work in the canneries.

I do not know just what has been done in recent years, but it was a pretty sore point some two or three years ago—at least, with the Indian people—in not having the school facilities near the post where they were working. I might say, of course, that I do not think this objection was raised because of the lack of school facilities, but it was because they were cut off from family allowances because their children were not attending school. But it is a problem, and certainly if you do not have sufficient facilities now, say, in the cannery area south of Prince Rupert—for one—it would certainly be a worthwhile project to establish some sort of educational facilities there for those children.

They miss probably two months at the end of the school term, and probably another month or two months at the beginning of the next school term, depending on how long and how good the fishing season is. Do you have any plans as far as, say, Prince Rupert is concerned, in this regard—or have you established anything along these lines there?

MR. DAVEY: We have tried to encourage the Indian people to leave their children in the village until the end of the school term, on the assumption that the women normally do not find employment until the fishing season actually begins. Although there was some initial opposition to this proposal, there appears to be now a growing tendency on the part of the Indian people to do just that, to leave the women and the children behind so that the children can complete the school term, and then for the man—the wage earner—to go out and bring his family out later on.

MR. HOWARD: It is not always practicable to do that, of course, depending on the fishing season and inter-family matters and problems. But have you made any survey, as far as the area south of Prince Rupert is concerned—where the fish canneries are particularly—to determine whether you could establish or arrange with the school board there to establish just such a seasonal school?

MR. DAVEY: There have been discussions with the provincial educational authorities with particular respect to Port Edward. This has not been finalized.

MR. HOWARD: But there is a possibility that it might be?

MR. DAVEY: I do not know what the reaction is at the present time on the part of the provincial people.

MR. HENDERSON: The family allowance is the best thing for getting families to stay near their schools of anything I know of. There are schools at Upper Cutbank and Devro in the territory where I live. They all move in close to the schools in order to get the family allowance. The children are going to school and I think it is one of the best things which has ever happened.

MR. JONES: If I understood Mr. Hardie's question correctly, I believe the answers are to be found at pages 91 and 93 of the last annual report. This is in respect of the children going on to higher education.

SENATOR FERGUSON: Mr. Davey, I notice on page 4 of your report you say it is the policy of the branch to encourage parent-teachers associations and home and school groups. I would like to know if many have been formed and, if so, what has been their success? Have they just died out or have they continued on and done good work.

MR. DAVEY: There is a great variety in the continuity of the parent-teachers associations in our communities.

SENATOR FERGUSON: Do we have many?

MR. DAVEY: I am not able to tell you exactly how many.

Senator FERGUSON: I know of one in Kingsclear in New Brunswick. We thought it was rather unique. That is the reason I would like to know if there are a number of others.

Mr. DAVEY: It certainly is not unique. I would guess there are at least 50 or 60 others; I think that is a conservative estimate. Some of these parent-teacher or home and school associations have been going on for four or five years. Some of them have been very effective.

Mr. HOWARD: This is rather a general comment and I suppose a question also. It would appear that there has been quite an advance in the educational facilities and opportunities for Indian children within the past. You covered a ten-year period. I think the advance in this period, in my opinion, is all to the good. I do not imagine this question need be asked and, certainly, I am sure we all know the answer. However, I do not imagine there will be any relaxation of the push that the branch has been giving to the question of educational opportunities. In fact, I would like to see it expanded even more rapidly, especially towards the eventual placing of educational jurisdiction almost entirely within the hands of the provinces, so that in each province we have one educational system, or educational structure, rather than a sort of duplication of it. That is the hope I have.

Even though certain advances have been made, which generally I think are quite beneficial, I may be a little impatient but I would like to see a greatly accelerated pressure on the part of the branch itself towards school boards for private educational organizations, religious and otherwise, to enter into agreements with the branch in so far as integrated educational facilities are concerned. I rather think that, on the part of the people in the Indian affairs branch, more effort could be directed towards the selling job than probably there has been in the past; that is, more public relations, if you wish to call it that, or more selling of the idea of integrated educational opportunities for Indian and non-Indian children alike, moving towards the eventual goal—which I think is probably what the department officials have in mind—of transference as quickly as possible of educational facilities and opportunities to provincial jurisdiction.

Mr. FORTIER: Transfer, of course, is a matter of policy which we cannot discuss. Certainly, however, it is the ambition of the branch to have Indians as much as possible educated in non-Indian schools.

There is the problem you have raised about the non-Indians objecting, and there is also the fact that the Indians must agree to this transition. I dare say we are going as fast as we can. Whenever we know there is a possibility we take advantage of it.

Mr. FRASER: Is it not a case of educating the fathers and mothers to the fact that it would be better for the children to go to the schools?

Mr. FORTIER: Yes.

Mr. FRASER: That is what I have discovered in my district. You have to educate the fathers and mothers to the fact that it would be better for the children to go to the schools because eventually they have to mix anyway with the "paleface".

Mr. FORTIER: You are quite right. I could report here that by visiting the Indians throughout Canada in 1955-1956, we have noticed among the Indian people a greater interest in education than was indicated by the report which I had when I joined the department. There certainly is greater interest on the part of the Indians in getting more education for their children; there is no doubt about that.

Mr. HARDIE: Coming back to the question of the grants paid, I think, in answer to a question by Mr. Fairfield, Mr. Jones said that the grant to a church

school at Albany, Ontario, was \$554; then he gave a figure for the cost of operating a government-owned school at \$851.52. Those apparently were schools in a comparable area.

I am wondering why there is a spread of about \$300 in the cost. Why would there be that spread in a comparable area in respect of educating children in a government-owned school as compared to the government grants to the church schools? Perhaps the deputy minister could answer this. Would you agree with me that if it costs \$851.52 in an area to educate a child in your own schools, would it not be fair to say that the grant to the church schools or the school boards in the same area should be in the same amount? That is, that the school boards or the church schools should be given an amount equal to what it costs the government.

Mr. DAVEY: Provided equal standards are maintained in the schools.

Mr. HARDIE: You agree with that?

Mr. DAVEY: Provided equal standards are maintained.

Mr. HARDIE: Then, coming back to the Northwest Territories, I think Mr. Jones, in answering one of my questions, would agree that costs in the Northwest Territories are a great deal higher than in other places. I am wondering why it is—that the grant for education of Indians in the Northwest Territories under the Department of Northern Affairs is the same now as the amount paid by the Indian Department—in 1954.

Does the deputy minister, or any one of his officials, feel that the grant to church schools in the Northwest Territories—and I can think of the Anglican mission at Aklavik where the grant is \$518—is fair, when they give a church school in the province of Alberta \$555.

Mr. FORTIER: It is my understanding that all these grants are discussed with the church representatives. They are based on the actual costs.

Mr. HARDIE: They are based on the actual costs? Then, for instance, at Aklavik some years ago a great deal of the meat fed in the school was caribou or reindeer meat, something taken off the land right there. In recent years, they cut the amount of caribou meat which the missions could buy to feed their students. It resulted in the missions having to bring in meat from the outside at considerably increased cost; but the grant has not been increased.

Mr. DAVEY: In making comparisons of costs it must be remembered that Colonel Jones, in his answer, pointed out that in addition to these payments which have remained relatively the same, that Northern Affairs relieve the church authorities of the responsibility for paying teachers' salaries, which do constitute a substantial figure.

Mr. HARDIE: I see. That is, comparing the Northwest Territories, as far as the examples we got from him in his answer to Mr. Fairfield's question, the cost of operating government-owned schools is approximately \$300 per pupil higher than in church-owned schools in a comparable area in the rest of Canada.

Mr. DAVEY: If the churches object, we say: Fine. If you employ competent qualified teachers, we will make an allowance so you can pay your staff the same.

Mr. HARDIE: Do they not have qualified teachers in these places?

Mr. DAVEY: I cannot answer your question offhand. I assume that they have been paid to the extent they are paid, and that they are able to employ qualified teachers to operate the schools.

Mr. HARDIE: Your officials are going to see that they get as little as they can.

Mr. DAVEY: No. I think we are interested to see that standards are maintained.



Mr. HENDERSON: I received a telephone call this morning from Bishop O'Grady. He is still working on a school at Prince George. He has been here for three or four days and you will probably see him before he goes.

Mr. FORTIER: I have already seen him.

Mr. HENDERSON: I had quite a time with him.

The JOINT CHAIRMAN (*Mr. Dorion*): I understand that Mr. Jones has some additional answers to give to us now, and if you have no objection, he will put them on the record at this time, following which we will resume the questions.

Mr. JONES: I just have this prepared, although it was not asked for today.

It reads as follows:

Mr. M. A. HARDIE, M.P.

Q.:—Committee Meeting June 16th

How many Indians are employed by Department of Transport as Bulldozer, Cat and other equipment operators in the Northwest Territories (paraphrased).—A.: The Department does not maintain at this headquarters detailed statistics of employers and specific trades followed by Indians employees. Steps have been taken to secure up-to-date information in this respect from our field officers.

Mr. HARDIE: Out of seven airports in the Northwest Territories there are possibly 300 employees.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any other questions to put to Mr. Jones or to Mr. Davey?

Mr. HARDIE: Mr. Davey mentioned vocational training and I understand there was apparently vocational training and specialized vocational training. I wonder how many students have come out of this higher vocational training course, and how many are employed in our so-called white civilization, and how many have gone back to the reserves. And of the number who have gone back to the reserves, how many of these people are gainfully employed in the field of vocational training that they studied?

Mr. DAVEY: I am afraid we do not have the statistics of that, but we are hoping now—

Mr. HARDIE: How does the department know whether it is having any success in a program if it does not keep statistics of this type? How do you know whether you are successful or not?

Mr. DAVEY: Perhaps I might reverse your question and say that since the department does not dictate to the Indian People where they will live or where they will work, how do we keep a record of what happens to them once they have been employed?

Mr. HARDIE: You mean once they have left the vocational schools?

Mr. DAVEY: Yes.

Mr. HARDIE: And go to work. If they are from the reserve, all you have to do is to take the number of pupils coming out of the school that came from the reserves, and who did not go back. Then you would know how many were employed off the reserves, and you would also know how many were on the reserves, because if you know the number of people working on the reserve, you would know how many of those people are gainfully employed in the line of vocational training they took up, such as—if they were welders, how much welding they were doing on the reserves, and so on.

I do not think you can know how successful you are in any field, or in any program you sponsor unless you know the results of it, unless you really keep accurate statistics on the results of this vocational training.



Mr. FORTIER: I might explain that the placement officer system has been on the establishment for only the last two years. What we want to accomplish when we reach that item later on, with these placement officers is this,—assuming what you have in mind,—we would follow each Indian and try to find an opportunity where he could be placed in a white community, and so on. We will try, and we will control possibly a group of them. But you cannot expect that all Indians will come to us to get placements.

I understand that at a certain place in Ontario more than 40 per cent of the Indians are living off the reserve, and are assumed to be working for the Canadian Railways on track work, but I cannot say that every one of them is really working.

Mr. HARDIE: You would know how many of them have taken vocational training in this program?

Mr. FORTIER: Vocational training, subject to correction, is something of recent years operation in the schools, especially among adults. It is something which I would say five or six or maybe ten years ago was for children, but we call it today vocational training, and it has only been in operation in recent years.

Mr. HARDIE: When do you think you will be able to assess this program to tell whether or not you are getting the results you hoped to get?

Mr. FORTIER: We started from nothing. Therefore anything which brings results is progress. We will reach a stage as we go on where we will need the statistics to compare our progress over a five-year period with, say, the progress made over another five-year period.

Mr. HARDIE: If you are not keeping statistics now, I do not know how you are going to compare it with the last five years.

Mr. FORTIER: We started from scratch. But with placement officers working in the last two years we will be able to keep statistics and to have accurate information.

Mr. HARDIE: Did Mr. Fairfield ask how many Indians were placed in gainful employment through these placement officers?

Mr. JONES: Yes, he did. We will table that information when we come to economic development.

The JOINT CHAIRMAN (*Mr. Dorion*): I believe that question will come up later.

Mr. HARDIE: Why not adjourn now, Mr. Chairman, it is five o'clock.

Mr. MARTEL: I would like to ask a question of Mr. Jones or of Mr. Davey. I noted in your review under the heading Education Division, in the review of activities for 1948 to 1958, that there has been quite a drop in the number of students. I refer to page 24. Then there is the supplementary information at the end of the report. I notice there has been quite a drop in the number of students enrolled in grade 9, in the following grades and so on. I presume the same would apply also to the previous grades, say grades 7 and 8. Has there been such a drop let us say from the sixth grade up and, if so, is there any special reason for this? I note that the number of enrolled students in 1957-58 in grade 9 is 1,024, in grade 10 you have 472, and so on; it comes down to almost nil.

Mr. DAVEY: The number of pupils in grade 1 last year was in the neighbourhood of 8,000, I think, and the drop off in the enrolment, although it is still substantial, is considerably better than it was 10 years ago. You will note the same trend in connection with the statistics given on page 24. This existed in the earlier grades, which are not reported on this page.

Mr. MARTEL: Yes, but 10 years ago they had approximately the same trend in connection with the higher grades. In 1948-49 there were 375 in grade 9 and it has dropped to 144 in grade 10, and so. Do you think a complete survey in connection with this matter would be beneficial in order to find out why they have left school in those grades. I think a survey covering from the sixth or ninth grade up would be a good thing to have. Do you have a survey of that kind showing where they have gone and, what they are doing now since they have finished their schooling?

Mr. DAVEY: With the assistance of the dominion bureau of statistics we have conducted a study of drop outs. This information has been compiled and has been distributed to our own field people, together with some suggestions as to how we might help to speed up the recovery from this problem. We are recovering, but we are trying to advance it.

Mr. MARTEL: Could this report be made available to the committee at the next meeting?

Mr. JONES: Yes.

Senator FERGUSSON: Have you any statistics to show whether or not more Indian girls drop out than boys?

Mr. DAVEY: Yes, this was broken down by sex; the drop outs are heavier among the boys than among the girls.

The JOINT CHAIRMAN (*Mr. Dorion*): It is now time to adjourn. The next meeting will be at 3.30 p.m. on Tuesday afternoon, at which time we will have delegates from the Council of the Six Nations before us.

1959



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Joint Committee of the Senate and the House of Commons

ON

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone  
and  
Mr. Noël Dorion, M.P.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

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TUESDAY, JUNE 23, 1959

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WITNESSES:

*From the Six Nations Council:* Chief E. P. Garlow, and Councillor F. J. Hill. *From the Department of Citizenship and Immigration:* Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration, and Superintendent General of Indian Affairs; Mr. Laval Fortier, Deputy Minister; and Mr. H. M. Jones, Director of Indian Affairs.

MEMBERS OF THE COMMITTEE  
FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman,</i>	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith,
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, <i>Joint Chairman,</i>	Mr. R. Leduc,
Mr. H. Badanai,	Mr. J. J. Martel,
Mr. G. W. Baldwin,	Mr. H. C. McQuillan,
Mr. M. E. Barrington,	Mr. H. J. Michaud,
Mr. A. Cadieu,	Mr. G. W. Montgomery,
Mr. J. A. Charlton,	Mr. R. Muir ( <i>Cape Breton North</i> <i>and Victoria</i> ),
Mr. G. C. Fairfield,	Hon. J. W. Pickersgill,
Mr. G. K. Fraser,	Mr. A. E. Robinson,
Mr. D. R. Gundlock,	Mr. R. H. Small,
Mr. M. A. Hardie,	Mr. E. Stefanson,
Mr. W. C. Henderson,	Mr. W. H. A. Thomas—24
Mr. F. Howard,	
Mr. S. J. Korchinski,	

Quorum—9

E. W. Innes,  
Clerk of the Committee.

ORDER OF REFERENCE

HOUSE of COMMONS,  
TUESDAY, June 23, 1959

*Ordered*,—That the name of Mr. Thomas be substituted for that of Mr. Murphy on the Joint Committee of the Senate and the House of Commons on Indian Affairs.

Attest.

LÉON J. RAYMOND,  
*Clerk of the House.*





## MINUTES OF PROCEEDINGS

TUESDAY, June 23, 1959

(5)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 3.40 p.m. this day. The Joint Chairman, the Honourable Senator Gladstone, presiding.

*Present:*

*The Senate:* Honourable Senators Boucher, Fergusson, Gladstone, Inman, MacDonald, Smith (*Kamloops*), and Stambaugh.

*The House of Commons:* Messrs. Badanai, Baldwin, Barrington, Cadieu, Charlton, Fraser, Hardie, Henderson, Howard, Montgomery, Pickersgill, Robinson, Small, Stefanson, and Thomas.

*In attendance:* Chief E. P. Garlow, and Councillor F. J. Hill, both of the Six Nations Council.

*From the Department of Citizenship and Immigration:* Honourable Ellen L. Fairclough, Minister, and Superintendent General of Indian Affairs; Mr. Laval Fortier, Deputy Minister; Mr. H. M. Jones, Director of Indian Affairs; and Mr. C. I. Fairholm, Executive Assistant to the Director.

In the unavoidable absence of the Joint Chairman representing the House of Commons, Mr. Fraser moved, seconded by Mr. Howard, that Mr. John Charlton be the Acting Joint Chairman of this Committee, representing the House of Commons, on June 23 and June 24.

On motion of Mr. Howard, seconded by Mr. Henderson,

*Resolved*,—That the Committee do not call witnesses to appear after July 10, 1959.

On motion of Mr. Howard, seconded by Mr. Montgomery,

*Resolved*,—That the Native Brotherhood of British Columbia be called to make its submission on July 2.

On Motion of Mr. Howard, seconded by Mr. Fraser,

*Resolved*,—That the Committee hear the representatives of the Caughnawaga Indian Council, and of the Manitoba Indian Brotherhood during the week of July 5 to July 11; and that the Committee pay reasonable travel expenses and living allowances for the *two* official delegates representing each group. (Such living allowance not to be paid for a period of more than *two* days in Ottawa.)

*Agreed*,—That the Committee members have a further opportunity to consider the brief of the North American Indian Brotherhood before asking representatives of that organization to appear.

*Agreed*,—That other parties wishing to make submission be advised that it is expected that they will have an opportunity to do so during the next session of Parliament.

Mr. Fortier outlined briefly the points of contention between the Six Nations groups; that are presently *sub-judice*.

The Acting Joint Chairman, Mr. Charlton, asked the witnesses and Committee members to assist him by not discussing matters that are *sub-judice*.

Copies of the brief of the Six Nations Council were distributed.

Chief Garlow and Councillor Hill made short statements respecting the matters referred to in the brief. They were questioned on the points covered and other related matters.

The departmental officials also supplied information to the Committee.

On motion of Mr. Small, seconded by Mr. Fraser,

*Resolved*,—That the brief presented today by the Six Nations Council be printed in this Committee's record.

The witnesses thanked the Committee for the hearing received and, in turn, Mr. Charlton thanked them for their presentation.

At 5.35 p.m. the Committee adjourned until 3.30 p.m., Wednesday, June 24, 1959.

E. W. Innes,  
*Clerk of the Committee.*

## EVIDENCE

TUESDAY, June 23, 1959.

3:30 p.m.

The CLERK OF THE COMMITTEE: The first order of business, gentlemen, is to appoint an Acting Joint Chairman from the House of Commons.

Mr. FRASER: I would like to move that Mr. John Charlton be elected Acting Joint Chairman of this committee for the sitting.

Mr. HOWARD: I second that motion.

The CLERK OF THE COMMITTEE: Is this motion for this meeting and tomorrow's meeting also?

Mr. FRASER: For this meeting and also tomorrow's meeting.

Mr. HOWARD: Yes, I second that.

The CLERK OF THE COMMITTEE: Moved by Mr. Fraser, seconded by Mr. Howard, that Mr. John Charlton be the Acting Joint Chairman of this committee, representing the House of Commons, for June 23 and June 24.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Members of the Senate and the House of Commons, I am very glad to take over from Mr. Dorion, who has to be away. It is unfortunate that he has to be away, but since he is I will be glad to do what I can.

We have a few matters to make decisions on before we go ahead and hear the witnesses.

I think one matter we should decide is the cut-off date, or the last date on which you want to hear delegates or witnesses from the various Indian bands across Canada.

There are some groups who would like to appear after July 15, for instance. Do you want to make any arrangements for sittings after that date? It is up to you now to decide what the cut-off date shall be, in order to give us time to make our report to parliament. We have to have one or two meetings at least after the hearing of the witnesses in order to make our report. What date do you suggest?

Senator STAMBAUGH: If you could tell us when we are going to prorogue it would be a better idea.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I wish I knew.

Mr. HOWARD: Mr. Chairman, it would be my thought that your suggestion of July 15, in so far as hearing witnesses and delegations from various Indian organizations is concerned, would be a sensible one. Whether the house will prorogue, a month or two weeks after that date it is hard to say, but at least we should establish a cut-off date, and that appears to be as good as any.

Mr. MONTGOMERY: Are you sure we are going to be here after that?

Mr. FRASER: I think we should set a date not any longer than two weeks, because next week you cannot have too much on.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): We have three delegations who are ready to appear when called: the Manitoba Indian Brotherhood, the Caughnawaga Indian Council, and the North American Indian Brotherhood. The Indian Association of Alberta would come after July 15, or are waiting to appear any time after that date.

Mr. FRASER: Could they not appear next session? That is what will have to happen anyway.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): We hope so.

Will someone make a motion to set a date as to when the committee hearings should end, as far as outside witnesses are concerned?

Mr. HOWARD: In order to consolidate some approach to it, I move that July 15 be the date.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): It is moved by Mr. Howard that July 15 should be the closing date for hearing outside witnesses.

Mr. HENDERSON: I second that.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): And that motion is seconded by Mr. Henderson.

Mr. FRASER: July 15 is on a Wednesday.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Is there any discussion on that motion before I call for a vote?

Mr. MONTGOMERY: Do you think we will have to have one or two meetings after we cut off the witnesses?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Undoubtedly we have to prepare our report to the house, so we will have to have meetings after the last witnesses are heard.

Mr. MONTGOMERY: I would rather see it around July 10—perhaps Friday, July 10—as that would be the end of the week.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): We can be rather hopeful and suggest we might be through here by July 15, and if we were holding witnesses ready right up to that date it might be a little awkward to have meetings and then prepare a report.

Mr. HOWARD: If you want to amend it to July 10, that is all right.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Is the 10th thought to be a better date?

Mr. MONTGOMERY: That is the end of the week.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Would you be prepared to change your date to July 10, Mr. Howard?

Mr. HOWARD: Yes.

Mr. HENDERSON: Yes, that is all right.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Moved by Mr. Howard and seconded by Mr. Henderson that July 10 should be the cut-off date for the hearing of witnesses in this committee.

Agreed.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): The date for hearing the Native Brotherhood of British Columbia was brought up at our last meeting, I think it was. Now it has been suggested that they appear on July 2. That is the day after Her Majesty the Queen leaves here, Thursday of next week.

Mr. FRASER: Is that the North American Indian Brotherhood?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): No, the Native Brotherhood of British Columbia.

Senator STAMBAUGH: That is the one we have the brief on, from Mr. Paull?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): No, that is not it. Andy Paull is the president of the North American Indian Brotherhood. This is the Native Brotherhood of British Columbia. They have suggested July 2.

Mr. HOWARD: I move that.



Mr. MONTGOMERY: I second the motion.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Moved by Mr. Howard and seconded by Mr. Montgomery that we accept the date of July 2 for the Native Brotherhood of British Columbia to appear before the committee. Any discussion on that, gentlemen? It is assumed there will be two delegates in this case as well.

What is the wish of the committee regarding getting in touch with these people? The other three delegations are prepared to appear before July 10. When do you want to hear them?

Mr. MONTGOMERY: Do we have a meeting next Tuesday? That is the last day of June; the 30th is Tuesday.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): We are not meeting on June 26; and there is the 25.

Mr. MONTGOMERY: Can we get any this week?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): There is only the 25th. That is out this week because the Caughnawaga council can appear only early in July. It is only the Manitoba Indian Brotherhood and the North American Brotherhood that could appear any time, when called. It just leaves next week and the week of July 6; that is all the time which is available.

Mr. FRASER: Could we have one on Tuesday and one on Wednesday, Mr. Chairman?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): That is on June 30?

Mr. FRASER: June 30, I would think, would be a bad time because they could not get accommodation, but if they come on the afternoon of July 6, say, and on July 7, they would be able to get accommodation because the people would not be here at that time, as they would over July 1.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): There is one on the second now. That has been passed on. There are the three here that we can hear and are ready to be heard if we wish to work them in. What are your wishes?

Mr. MONTGOMERY: How many are coming on this delegation?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): There will be two on each delegation. At least, that is all we are paying expenses for anyway. More can come, if they come at their own expense.

Mr. MONTGOMERY: They should be able to get accommodation then.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I should imagine so.

Mr. MONTGOMERY: Why could we not have them on June 30?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): The Queen is here at that time.

Mr. HOWARD: I think at a previous discussion of the committee we had pretty well ruled out the last couple days of June and July 1, because of the visit of the Queen.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): That was my understanding.

Mr. HOWARD: We would not be able to fit anything in there with any degree of effectiveness.

Mr. FRASER: What about July 6, 7 and 8?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): From July 6 to the 9?

Mr. MONTGOMERY: Yes.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): There are three groups besides that of July 2. Would you leave that with the steering committee then, to arrange for those dates for those three groups?

What about the North American Indian Brotherhood? Andy Paull wants to appear. That was discussed at the last meeting, and you all, I presume, know the details of that.

Mr. FRASER: We decided we would leave it until such time as we are able to go over the brief.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): What are your wishes then regarding Andrew Paull? Do you want to leave that in abeyance until afterwards?

Mr. FRASER: I would suggest that, if it is agreeable to the committee.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Is that agreeable to the committee, that we will hear the three delegations between now and July 10 and leave out the North American Indian Brotherhood for the present. You will remember he is not well; and I do not know whether he would be able to appear or not. Is that satisfactory?

Mr. HOWARD: If I understand it, then, Mr. Chairman, the Native Brotherhood of British Columbia has been given July 2, and the following week the steering committee would deal with the Manitoba Indian Brotherhood and the Caughnawaga Indian Council?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): That is correct. That will be the week of July 6 then, depending on when the steering committee can make the arrangements.

There have been other communications received from welfare and church groups as well as private individuals. We shall notify those people now that we will not be hearing any more witnesses this session, and that we hope to be able to hear them during next session. Is that satisfactory to the committee?

Agreed.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Today we are hearing the Six Nations Indian Council representatives. As you probably know, there is a case before the courts with regard to the Six Nations Reserve, and I would ask for your cooperation and indulgence in not asking questions having to do with that matter, which is *sub judice* at the moment. The case has been heard, but judgment has not yet been given; therefore, we would have to keep away from dealing with that matter.

If there is nothing further for the committee to discuss now, I will call on the witnesses.

Mr. PICKERSGILL: Mr. Chairman, I wonder if, before you call on the witnesses, you could just state precisely what it is that is *sub judice*? I think it would be helpful to the committee to know.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): As a matter of fact, I would not want to do that because I am not sure enough to put it on record.

Mr. PICKERSGILL: Maybe the deputy minister could assist us then.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): If that is the wish of the committee.

Senator STAMBAUGH: How are we going to know until somebody tells us?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): The deputy minister might be able to give us that information.

Mr. LAVAL FORTIER (*Deputy Minister of Citizenship and Immigration*): Mr. Chairman, if I could say two words without going into the details of the legal procedure. What we have is that we had a vote of surrender by the band, and there is a group in the Six Nations who have attacked the legality of the vote. In other words, they contest the legality of the Indian Act, the legality of the council as constituted under the Indian Act. That is what is now before the court to decide. That is, in two words, what it is.

The ACTING JOINT CHAIRMAN (Mr. Charlton): Are you all satisfied now?

I will now call on the representatives from the Six Nations council, Chief Garlow, of the Six Nations council and Councillor Hill, who is with Chief Garlow.

Chief E. P. GARLOW (*Representing the Six Nations Council*): Mr. Chairman and hon. members, first of all I would like to say that I am delighted to be present here at this sitting. I have visited here in Ottawa several times during the past—since 1951, particularly, when we first began to revise the act; and you will all recall the Hon. Mr. Harris.

Today we have met again, I presume, to lay our grievances before this committee, to go into the details as to whether or not you see fit to see eye to eye with us in revising the act.

I want to mention one thing. I think we will alternate; I will alternate with my councillor Fred Hill.

The first thing I wish to draw your attention to is sections 15 and 16 of the Indian Act. It has been discussed in our council from time to time since 1951, about our people being enfranchised and taking their per capita share.

The Six Nations Council contends that since confederacy, we might say, or since this act has been in the process of revision, our people have not contributed towards this trust fund and, therefore, they think they should not take it out.

I took this question up with the Hon. Mr. Harris. He said, "You are not enfranchised, unless you have the per capita share out." I reported that back, but still they insisted and said, "Take this question up and keep at him because our trust fund is gradually being depleted, because our girls are marrying out, especially since it has been revised, the time when our girls married, they are enfranchised as to that date." That has caused considerable discussion in our council. You know we have so many good looking girls who go out and marry non-Indians. We do not know whether you would see eye to eye with us, but that is one contention that the Six Nations would like to see, that they are willing to go out.

It is true we are living in a country of democracy and liberty. We can go out and if we want to be non-Indian or associate with other municipalities that is our privilege naturally. But that is one thing we would like to see them do, leave the money. After all, this money will never make a person rich, what little we get. If they want to go out and take their part in the world as citizens, I say, "Well and good, but leave that there".

We have had the experience in our reserve where some of our people took their per capita share out. Then, lo and behold, in a short time they are back, and our people come to the council and say, "Why, they are not members; they are trespassers", and they get notice to vacate the reserve in 30 days. That is the difficulty we run into. I have always said, "Always think twice before you speak or make any decisions. If you think that there is no future on the reserve, well and good; go out. And if you want to stay, stay home".

I have children, and we have another difficulty. They marry out and come back on the reserve and take up room. I must congratulate the education department in Ottawa for their generosity in building schools for our people where they have been educated. As I said from time to time, this education is going to transform our people into prosperous agricultural and professional businessmen and women. I have been in conference here before, and I forget the chief who pleaded with the Hon. Mr. Pickersgill to build a school near his reserve. He had a daughter that was going to residential school. I believe the Hon. Mr. Pickersgill promised him a school—and that is one thing we want, to bring our children up in our homes.

Today the six nations—you have provided transportation for our people; they go from our house to the schools and they return at night, where we can get around and teach our children the traditions and the way of life, that they may some day take their part in the future and become men and women and to take our part, to make our reserve and adjacent communities a better place in which to live. I will not say too much; but I just want to stress this point. I think it is one section that we would like you to see eye to eye with us about. Let them go out—but leave the money. Thank you.

Mr. FRASER: Mr. Chairman, may I ask a question on that? What is the per capita share?

Chief GARLOW: It was \$160; but there are so many going out. It is around about \$140. I believe somebody in the Indian department would know just what figure it would be. It would be in the neighbourhood of \$140 per capita share.

Senator FERGUSON: Mr. Chairman, the witness says, "Do not let them take the money, unless with the consent of the band council". Would there ever be occasions when the band council would give consent to that?

Chief GARLOW: Give consent to what?

Senator FERGUSON: You said they shall not take their share, unless with the consent of the band council. Would there be occasions when the council would not—

Chief GARLOW: If they want the franchise, they would come to the council and ask to be enfranchised, and everything else; and the council would say, "Yes, let them go; but they cannot take the money". And when this application comes to the minister, they can—according to the act—be given the per capita share.

Mr. FRASER: Mr. Chairman, the witness has not answered the question in the way the senator wanted.

Senator FERGUSON: That is not the question I meant. The statement was made that they shall not be paid their share on enfranchisement, unless with the consent of the council. Would the council ever give consent, and under what circumstances?

Chief GARLOW: They never have given their consent. But, as I said before, when they bring the application down, they get it here—although we are not a legislative body meant to prohibit them from getting it, we pass a decision, we let them out, but not taking the per capita share. But they will eventually get it, because it is in the act.

Mr. ROBINSON: Mr. Chairman, does the witness have any figures on how many have become enfranchised and have returned to the reserve to live there?

Chief GARLOW: I am sorry to say, some of them come back and we have to bury them. Some of them, we invite them to go away—leave the reserve. That is the situation. It is our people—some of our people, maybe, that belong to the council, and they come and make a hard luck story and we say, "Let them stay a little longer"—and we find we have to bury them.

That is what we do not like about it; they have taken their share out and they come back and take more out and we bury them. The council makes provision for that where we get those indigent members who cannot find sufficient funds to bury them.

Mr. PICKERSGILL: How many non-Indians—persons of non-Indian status—are there now living on the six nations reserve?

Chief GARLOW: I would say, about 5 per cent.

Mr. PICKERSGILL: What would that be, in numbers?



Chief GARLOW: You see, they have families. This is what I do not like very much. The act says when a non-Indian leaves his land on a reserve, he cultivates the land. But we have got men who get a cheap rent on the reserve and get their children educated and work elsewhere. That is what we do not like.

We would not mind if they came and—according to the act—organized the land. He could stay there and work the land and rent the place. But when he does get a cheap rent and gets his children educated, but works elsewhere, we do not like that so well.

Mr. PICKERSGILL: How do they get the cheap rent?

Chief GARLOW: Our people rent our land and houses a lot cheaper than you would rent yours.

Mr. PICKERSGILL: I have not any.

Mr. MONTGOMERY: Mr. Chairman, might I ask the witness: are you speaking for all the Indians over Canada, or just your own reservation?

Chief GARLOW: I am just speaking for our six nation reserve, because I do not know too much about the others. I am only familiar with our own people.

Mr. MONTGOMERY: The Indian Act applies to all Indians?

Chief GARLOW: Yes, it applies to all Indians.

Mr. SMALL: You are set up as the six nations: would you explain to the committee just what you mean by the "six nations"? I understand it is the Mohawks, the Senecas, Oneidas, Onondagoes, Cayugas and Tuscaroras; is that right?

Chief GARLOW: That is right.

Mr. SMALL: Then how do you separate the band council from the six nations?

Chief GARLOW: We do not separate them.

Mr. SMALL: What is your administration under which you administer the six nations reserve? How do you set up your administration yourselves and call yourselves a council?

Chief GARLOW: We have an election every two years and they get in by ballot; and when they get in, they represent the people, like other municipalities.

Mr. SMALL: The Mohawks, Senecas—do they run on in seniority; or does one decide more than the other; or are they elected to the council by representation of the tribes, as you wish to call it?

Chief GARLOW: I would say that. It depends in what constituency he comes from, because they are mixed all over—they are not in groups. The Mohawks are in one place and in different places; they are scattered all over—they are not in groups. From each constituency they appoint two councillors. There are 12 councillors besides the chief.

Mr. SMALL: How about the Tuscaroras? They have a roving part, and they go down even as far as Georgia.

Chief GARLOW: That is a different tribe; they go as far as Louisville.

Mr. SMALL: They are still a member of the six nations, are they not?

Chief GARLOW: They were at one time. But there are Tuscaroras down in Louisville. They are not six nations; they do not belong to us. They were, at confederacy; but not now.

Mr. SMALL: You are talking about the Iroquois confederacy?

Chief GARLOW: Yes. You are familiar with the American revolution. That is the time the division was made. Some came here, some stayed there—some took sides with the British, some did not.



Mr. SMALL: Apart from the administration of Indian affairs, in your own administration how do you reconcile these different groups for representation on your council—or is there just a general hodgepodge, that they are all equal on the reserve?

Chief GARLOW: Yes, just a general nomination. If he is successful, he gets in.

Mr. PICKERSGILL: Just like the Danforth constituency.

Mr. SMALL: And there are a number of Indians in the Danforth constituency.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I think Chief Garlow is saying that he does not pretend to represent the Tuscaroras or any other tribe that is not living on the six nations reservation; he is only representing those Indians who are living on the six nations reservation. Is that not true?

Chief GARLOW: That is right.

Mr. SMALL: You will have a certain proportion from each nation, as you would call it. You say the Tuscaroras do not belong there; but I used to know a Chief Descaheh belonging to the Tuscaroras, and he was down at the Ohsweken reserve, down at the river. He had quite a following there. From what I remember, they would be recognized, or known, as the pagan group.

Chief GARLOW: They are in the United States, and they come under different laws, although they are Indians.

Mr. SMALL: They are still on that reserve—some of them are still on that reserve?

Chief GARLOW: Yes; but they come under different regulations than we do.

Mr. SMALL: How do you administer your reserve? The town of Ohsweken is in there: how do you administer there?

Chief GARLOW: We act like other municipalities. If a member dies without making a will—dies intestate—the band council will appoint an executor; we appoint an executor, just like other municipalities.

Mr. SMALL: On your reserve, how many of these different nations would be apportioned off, and is each nation equally represented—or do you do the same as we do in the cities; it does not matter what your nationality is, you appoint your representative?

Chief GARLOW: I get you now. There are two groups on the reserve—like parliament; but you have different groups of parties. We have two groups, and some of them do not vote. Therefore, they do not get into the council and they do not get representation the same as those who do vote. Is that what you mean?

That is not our fault. This act has been in existence for 35 years, and it is very successful. We contend it is a democratic system, and we like that system and try to encourage it. It is true that after 1924 this elective system was very weak; but as years went on, the young people took an active part. In the last election there were over 700 who cast their ballots, and each year it has been increasing. So that goes to show you that this elective system has gradually become something that the people admire. Does that give you the answer?

Mr. SMALL: Is there not a group in your set-up that claim that they are a nation unto themselves and they have their own laws—and there are others that go along with your association?

CHIEF GARLOW: I could not answer that question.

Mr. SMALL: Well, that is sub judice.

The ACTING JOINT CHAIRMAN: Members of the committee, I think Councillor Hill would like to have a few words too. Would you like to take the floor now?

COUNCILLOR F. J. HILL (*Councillor of the Six Nations Council*): Hon. members of this committee: I am glad also, and appreciate the fact that we are here today to sit with you. I think it is one of the privileges and one of the advancements that the elective council has made, to cooperate with the government of this country—and I would like to see the day when there will be more of our people sitting here as the hon. Mr. Gladstone is. I congratulate him for being the first Indian ever to sit here—and I do not think he is causing you any trouble.

I know that the gentlemen here went to school and got good educations, and we are behind you on that point. But we are doing the best we can to keep in pace with you and, further, we are doing more to be able to stand up for ourselves. I, myself, did not pass public school, so you can excuse me if I do not know what I am talking about.

Mr. SMALL: You know what you are talking about, but you do not express it the way you would like to.

Mr. HILL: Anything we discuss, I would like to stay at that subject until we finish that subject; then we can go on with something else. I know it is the method of alert men to get you tangled up so you get off your subject.

Mr. SMALL: You have a lot of them here, too.

Mr. HILL: I would like to add a little to Mr. Garlow's comment on the enfranchisement of Indians. Take people—ladies, anyway—of our people going to marry out. There is nothing to prevent getting their enfranchisement and turning around and marrying me, and they get back on again.

Mr. PICKERSGILL: Well, they have to get a divorce first.

Mr. HILL: No; they get their enfranchisement as a single lady—understand?

Mr. PICKERSGILL: That is right.

Mr. HILL: They can marry me and they get back on again. Then we can turn around and both get enfranchised. It goes on and on.

I have eight girls, and those eight girls may get enfranchised and then marry six nation Indians and come right back on. You take the funds—

Mr. SMALL: They are smart operators, I would say.

Mr. HILL: They take the funds themselves. That was created through the sale of land by the hereditary chiefs—100 miles long of fertile land and 12 miles wide. I do not approve of that. They have a big monument in Brantford to a man—Joe Brant—that was the instigator of surrendering a whole lot of our lands for a mere bottle of whisky, or something like that—a mere nothing; maybe a string of beads. You take band funds created like that. It is not any individual's money; it is just like your government here has got money in the bank: if one of you were to leave the country and go to the United States, he would not get a share of this money. Well, that is just exactly how our band funds are.

I do not see how we could keep on handing out enfranchisement money without going broke. I wish I had the figures to prove to you—it is something in the neighbourhood of around about \$2,000 or \$3,000 a year that is going out. We cannot stand that kind of leakage; we want to stop the leak somehow. I was asked to take the next question—section 17. We feel that the council, as the governing body should be consulted and then we could deal with the question according to the voice of the people. The way we are now, I take it that you have the idea that the Mohawks live here and the Cayugas live there; it is not that way. We are all mingled the same as we are here today. It is divided off in six sections of our reserve and we are elected from that section. There are two out of each section and we appoint one chief.

Mr. SMALL: How do you determine the electors who are entitled to enfranchisement? Who keeps the list? Do you keep a list of those entitled to cast votes?

Mr. HILL: Oh, yes; we are not in the backwoods.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): To be fair to the witness I think he should be allowed to continue his brief and say whatever he wishes to say and then we will question him after he is finished. I hope that will be satisfactory to everyone.

Mr. HILL: I was dealing with the dividing of reserves. I wanted to point out to you that we are not grouped up. This section says that the minister may divide reserves without consulting the band council and we feel that we should be consulted before any action of that sort takes place.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Now, ladies and gentlemen, you may direct questions to either of the witnesses.

Mr. FRASER: Are those questions to refer only to sections 15, 16 and 17?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Chief Garlow, did you want to have the questions directed just in connection with the first three parts of your brief, or any part of your brief?

Chief GARLOW: Any part of the brief.

Mr. HOWARD: May I ask a question of Mr. Hill with respect to section 17, which you have been discussing, that is the splitting of bands into, say, two. As I read it now, under clause B in order to put, say, two bands into one, that must be done with the consent of the majority.

The JOINT CHAIRMAN (*Senator Gladstone*): To amalgamate.

Mr. HILL: Yes.

Mr. HOWARD: All you want to do is establish the same principle in dividing?

Mr. HILL: Yes.

Mr. SMALL: I would like to know how you make up the voters list, if it is kept up from year to year, and whether you would have some record as to whether or not the people you are talking about who left the reserve and wanted to be re-established, had a vote. Is there any method of determining that?

Mr. HILL: Oh, yes. Any member of the six nations can vote if he is 21 years of age. I might say that we revised the act when I was chief and gave the ladies a vote at that time; and if they happen to go away to work off the reserve they are eligible to vote the same as anyone else. As long as you have an interest you can vote, and if you can define that that is it. If you are interested in the progress of the reserve, well then that is an interest. As long as you are a member of the six nations and over the age of 21 years you can vote.

Mr. PICKERSGILL: That is when the name is put on the band list.

Mr. HILL: Yes, anyone who is on the band list can vote.

Mr. SMALL: When they marry off the reserve and come back does that disenfranchise the husband?

Mr. HILL: The women folk are struck off the list if they marry a white or non-Indian, but if an Indian marries a white lady she becomes an Indian. We wanted to adopt a doctor there at one time and the department ruled that you could make a white man out of an Indian but you could not make an Indian out of a white man.

Mr. SMALL: You are wrong there.

Mr. BADANAI: I would like to ask the chief a question in connection with the health service in his reservation. Does the province of Ontario make any contribution for the health services of your reservation?

Chief GARLOW: That is one thing with which we have had quite a lot of controversy during the last year. As you will recall, this provincial hospitalization came into effect in January last and we were notified by the national health people. In fact, I talked to Doctor Moore and he said they had taken it up with the Department of Justice and made provision with the provincial government to take over. Well, I said—I want to read this to you first—I said we do not believe in that for this reason. Take section 87. It reads as follows:

Subject to the terms of any treaty and any other act of the parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province...

It is all right so far, but watch:

...except to the extent that such laws are inconsistent with this act or any order, rule, regulation or bylaw made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this act.

Now, please turn to section 72 and you will find the regulations are inconsistent with this provincial hospitalization plan. Paragraph (g) states as follows:

To provide medical treatment and health services for Indians.

You must understand, gentlemen, there are two parties connected with the Lady Willingdon hospital, the national health and the six nations. I said: do you not think the Department of Justice should notify us; we have never been notified that we have to pay this. Consequently, two delegates were sent from here. They were Dr. Wiebe and Dr. Proctor. They came and visited our council and we discussed the question with them. I was the chairman. I said "You are the complainant and we are the defendants, tell us how we must abide by the provincial law." He went on and said this was covered, that person was covered, this one was not and so forth. He left his document there and one of our people picked it up and said that he wanted to ask a question. He said: it says here you say "hospitalization"—the bed; but if you get medical treatment, is that covered, and if you get surgical will that be covered? Well, he said, I want you to join. Well then I said that if it consisted of medical treatment and surgical it would be some inducement for us to join because as it is it just provides a bed. I said we all have beds such as they are, why pay for one? And so we passed a resolution that we refused to submit to provincial law because it was inconsistent with this act; and I told Dr. Wiebe and Dr. Proctor that until such time as section 72 of the Indian Act is revoked we would not be obliged to submit to the hospital plan.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Were you through with your questions, Mr. Badanai?

Mr. BADANAI: Then does the province make any contribution at all?

Chief GARLOW: I could not answer that question. The federal government has been contributing, but I do not know about the province. Someone told me that since our hospital does not come up to the standards of other municipal hospitals that it is not covered. You see, we have students there and I guess there are some regulations that require they must be first class doctors in order to be eligible to come under this hospital plan in the province.

Mr. BADANAI: I just wanted to establish that the province is not contributing anything to the health services of your reservation.

Chief GARLOW: Not that I know of.



Mr. SMALL: What I meant to ask you was this. Did the branch of the Indian affairs with which you deal explain to you how this operated and how you would be incorporated under the general health plan of the country?

Chief GARLOW: Yes, it was misrepresented to us because they said everything was covered and the document that was left there showed that all they paid for was the bed or your care, and the medical was extra, and so were surgical operations and payments for the doctor.

Mr. FRASER: Would it not be wise to ask Colonel Jones if he could clear up what they do provide.

Chief GARLOW: Yes, he could do it better than we.

Mr. H. M. JONES (*Director of Indian Affairs*): Primarily, it is a matter for the Department of National Health and Welfare, who are charged with the health and medical care of Indians in Canada. I cannot speak with any authority on the actual status of Lady Willingdon hospital. There may be something in what the chief says, that it is not a complete class A hospital. There may be something to that. However, there has been one there for some time, operated by the staff of the Department of National Health and Welfare, Indian and northern health services branch. The introduction of the hospital insurance scheme has brought to the fore the matter of Indians coming under this scheme and so far as I know this has been a matter of public relations between the Department of National Health and Welfare and the Indian bands concerned. It is the feeling of this branch that primarily, in the early stages, this is a selling campaign based on the plan and the merits of the plan so that band councils which have sufficient funds might see the wisdom of bringing their band, as a band, under the provisions of the Ontario Hospital Act: As I understood Chief Garlow to state, they passed a resolution turning down the proposal that the six nations come under the hospitalization scheme and that the band council pay the premium.

Chief GARLOW: There is one thing on which I would like to expand. I said there were two exceptions. The first exception is if it is inconsistent with the act and the second exception is this. It is paragraph 87:

Subject to the terms of any treaty and any other act of the parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, . . .

But watch this:

. . . except to the extent that such laws are inconsistent with this act or any order, rule, regulation or bylaw made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this act.

In other words, if the provincial laws are stipulated in this act, then it is applicable to the Indians.

Look at section 95(3):

No offence is committed against subparagraph (ii) of paragraph (a) of section 93 or paragraph (a) of section 94 if intoxicants are sold to or had in possession by an Indian in accordance with the law of the province where the sale takes place or the possession is had.

If the provincial law is stipulated in the act, then it is applicable to the Indians. But you find no place here where the provincial law is stipulated. And there is another place here: I think it is section 66. It concerns the Unemployment Insurance Act. There was a time, you know, when that was



introduced in our council and they were opposed to it. They said they did not want to have anything to do with the Unemployment Insurance Act. I think that Mr. Pickersgill will bear me out on this. He came in during 1954 as a representative, and it came into effect then. That is another provincial law.

The minister may make expenditures out of the revenue moneys of the band to assist sick, disabled, aged or destitute Indians of the band and to provide for the burial of deceased indigent members of the band and to provide for the payment of contributions under the Unemployment Insurance Act on behalf of employed persons who are paid in respect of their employment out of moneys of the band.

That is why I contend the provincial hospital plan in Ontario is not applicable to the Indian. It is inconsistent with the act.

Mr. SMALL: Who enforces the sanitary regulations on the reserve? I am referring to sewage, cleanliness and so on.

Chief GARLOW: We have the health services and a doctor.

Mr. SMALL: Is that through the Indian affairs branch?

Chief GARLOW: That is through the national health service.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Do I take it, gentlemen, that you are through with your questioning in connection with this health service, which is covered in section 72, or are there any further questions you wish to ask?

Mr. SMALL: I think a lot more information should be brought out in this connection.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I think we could get a much more thorough examination of the witnesses if we could stick to one subject before we go on to the next. Are there any further questions in connection with sections 15, 17, 35 or 37?

Mr. HARDIE: In connection with sections 15 and 16 I would like to ask the chief what gives a member of the band the right to a share of the band funds.

Chief GARLOW: He is a member. We have a record in the Indian office of all those who are entitled to vote and are 21 years of age. We have a membership list of those who belong to the six nations reserve and all those are eligible to take part in any business affairs. They have a voice in it.

Mr. HARDIE: What I am getting at is this. I take it from your presentation that you would like amendments to sections 15 and 16 which would not make it possible for the governor in council, I suppose, to grant moneys to Indians going off the reserve and accepting enfranchisement—

Chief GARLOW: Per capita share.

Mr. HARDIE: Yes, without the consent of the band council.

Chief GARLOW: We have always given the consent, but the only thing was that we have been too late—they take the money. But it is in the act, and when it comes to the moneys it goes according to the act and they get their share.

Mr. HARDIE: First of all there is a band fund. Now before you would give a grant to any person leaving a reserve—a per capita grant from that band fund—he would first have to establish a right to part of that fund.

Chief GARLOW: Yes, because he was born there and that is his birthright; he lived there.

Mr. HARDIE: Would you consider it then to be democratic if the amendment was changed?

Chief GARLOW: It would, if you stipulate it in the act; it would have to be. That is what we contend—if you see eye to eye to revise the act and stipulate that in the act, then it would be.

Mr. HARDIE: Would not that be taking away a person's right to his share of the band fund?

Chief GARLOW: I always contended such was the case, but I speak on behalf of the council now. They tell me no. They say they want that money retained here. I am of the same opinion as you. The Honourable Mr. Harris told me a person is not fully enfranchised until he takes out all that belongs to him.

Mr. BALDWIN: Under what circumstances do you think the council would permit an Indian who is enfranchised to receive his per capita share?

Chief GARLOW: They do not want to permit anything.

Mr. BALDWIN: Under any circumstances?

Chief GARLOW: No. They are willing to let him out, but his per capita share is the objection.

Mr. FRASER: It was mentioned before that if these Indian girls go off the reserve, then come back and receive their money, and then go back and marry on the reserve, they are part of the band again; is that correct?

Chief GARLOW: Yes.

Mr. FRASER: Well then, are they entitled to another share?

Chief GARLOW: Well, according to the act there is nothing to prevent them. Suppose I objected to one child being a member of the band and I protested; then it goes to the judge. Maybe Mr. Hill will protest and it will go around again. They have it now so it goes around once to the judge and that is final. It would be the same with this; if you would stipulate in the act that they could not go back and get back on the reserve and take some more money out, it would relieve the situation.

Mr. FRASER: But they could at the present time take their money out, go back and remarry and then they are entitled to come back again and get their share again.

Chief GARLOW: Yes, because there is nothing in the act to prevent them from doing that.

Mr. PICKERSGILL: I was going to say, Mr. Chairman, that I do not think it is quite as Mr. Fraser states it. Once an Indian woman is enfranchised, the only way she can become an Indian again is to marry an Indian and then she becomes an Indian automatically, and she could not be enfranchised again unless her husband was also enfranchised.

Mr. FRASER: They could both walk off the reserve?

Mr. PICKERSGILL: It is not a question of walking off. You can walk off without being enfranchised, but if they were both enfranchised under the clause as it stands, according to the chief she could get a per capita share twice. I think there is a defect in the law. I think the committee ought to consider whether we should not consider changing it. It is equally true of a white woman. If she marries an Indian she becomes an Indian as well.

Mr. SMALL: Should they not sign off when they receive their per capita grant?

Mr. PICKERSGILL: You cannot prevent persons getting married.

Chief GARLOW: You would have to have legislation. I would think you would have to legislate to that effect.

Mr. ROBINSON: Mr. Chairman, say a woman marries off the reserve, takes her per capita grant with her, then comes back and marries a person on the

reserve; would it not be right to say she could have half of her husband's per capita grant but could not have a full share?

Some hon. MEMBERS: No, no.

Mr. PICKERSGILL: I think we understand what the chief is asking for and the committee later on could consider the point.

Mr. HARDIE: I think it would be a very good point if we could amend the act so that an individual leaving the reserve is only entitled to the per capita grant at one time.

Mr. HOWARD: If the law were changed to say that you could only get one per capita share no matter how many times you came back and were married, would that satisfy the request you make?

Chief GARLOW: It would to a certain extent because it relieves the situation where there is quite a bit of protest. It would relieve the situation from the councillor's point of view. There is nothing to prevent them doing that. If you legislate to that effect it will prohibit it.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I take it you would rather have them not get the money at all?

Chief GARLOW: Yes.

Mr. HARDIE: Would the chief agree that half a loaf is better than the whole loaf in this case?

Chief GARLOW: Yes; better than it has been.

Mr. THOMAS: Suppose the wishes of your council were agreed to and no one was permitted to take out these per capita grants which you describe, in the mind of the band, what is the ultimate object for which the fund would be used?

Chief GARLOW: To carry on our work. As I said before, we get a report every year of the expenditure of our money. I notice it is in the thousands. We scrape to keep things going. That is why we come to you people for assistance. You have been very generous and we appreciate the fact that you have been helping us out. The provincial government gives us subsidies for roads. I am sorry to say some of our people do not appreciate it. They object to a good road being put through. It gets rid of the dust, but our people—even though a good road means an extra half hour longer they can sleep—would rather retain the piece of land and not get the good roads. That is what we have to contend with.

Senator STAMBAUGH: I do not understand the use for which this fund is made. Is this just in the general revenue and the general fund and can be used for road building and everything?

Chief GARLOW: Everything.

Mr. PICKERSGILL: Has there ever been a referendum taken to find out whether or not the majority of the members of the band would vote in favour of no one being allowed to take the money out?

Chief GARLOW: There never has been such, but I think it could be done.

Mr. PICKERSGILL: I think before parliament would want to consider any change in the law, they would want everybody to have a say in a matter of this sort.

Chief GARLOW: Yes.

Mr. PICKERSGILL: I think the chief and I would agree. We usually agree.

Chief GARLOW: Yes.

Senator FERGUSON: Chief Garlow, you have made an excellent case about women who become enfranchised; that is, that they should not be paid because

they might come back again and get another share of the funds. Does that also apply to men? You do not want men who are enfranchised to have their share either?

Chief GARLOW: Yes; it applies to both.

Mr. PICKERSGILL: But they can never go back once they are enfranchised.

Mr. MONTGOMERY: I was going to ask the chief how many persons he knows who have received the grant more than once. Have you a list of persons who have received the grant?

Chief GARLOW: No; but I think it has been done once or twice.

Mr. MONTGOMERY: Thank you.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Can we go on with section 17?

Mr. SMALL: That is the point Mr. Pickersgill brought up. It means the same thing as the question about the future of the people.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): No; this is new bands.

Are there any questions on section 17?

Section 35, expropriation.

Section 37, sale without surrender.

Mr. HOWARD: I think these two go together.

The CHAIRMAN: Yes.

Mr. HOWARD: I wonder if Chief Garlow or Councillor Hill have any specific difficulties which they have got into because of this? I think the committee would appreciate having an account of what has happened under one of these two sections.

Mr. HILL: I might say there is nothing I know of that has happened; but it could happen. There is nothing to stop it. What we would like is to have it so that we would be consulted in these matters.

Hon. Mrs. FAIRCLOUGH (*Superintendent General of Indian Affairs*): You mean before there is any expropriation?

Mr. HILL: Yes. What we cannot understand is that there are some things about which we are consulted, but in this case they will take the land without our approval. I do not know whether or not most of the members here will realize the fact that the Six Nations Indians have fought and died for that reserve down there. Therefore, we feel we have the right to have a say in regard to any transactions which take place in respect of lands on a reserve.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I think Mr. Howard's question was, "Have there been any examples of cases where land had been expropriated without your consent?"

Mr. SMALL: Without a surrender.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Yes.

Mr. HILL: Yes. There is a piece of property next to Chiefs' Wood which is across the river. It was taken and deeded without our consent right there.

Hon. Mrs. FAIRCLOUGH: To whom?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Mr. Randall. That was many, many years ago, through the Anglican church?

Mr. HILL: Yes; I think so.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Chief Garlow, do you know anything more about that?

Chief GARLOW: There was a long discussion in the council. Finally, they presented a bill for \$10,000 for improvements and the council thought that was too much in order to get it back. They said we could have it back if we paid that cost of \$10,000. So we let it go.



The ACTING JOINT CHAIRMAN (*Mr. Charlton*): That property has since been sold to Mr. Randall by the Anglican church?

Chief GARLOW: Yes.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Are there any more questions in respect of sections 35 and 37?

Mr. SMALL: Who effected the sale and the conveyance of the property to Mr. Randall? Would that be done through the Indian affairs branch?

Hon. Mrs. FAIRCLOUGH: No.

Chief GARLOW: Through the church. It is a long story. Perhaps you recall that the Anglican church came to make a settlement. We got the Glebe back and some of the property. When they came over they were connected with the Church of England and His Majesty built them a church. It was stipulated that as long as they kept it for missionary purposes it was theirs, but if it went dormant it would revert back to the band. I think, through different arguments in court, they came to some kind of a settlement; I do not recall it exactly. However, their lawyer at the time said you get everything back except the buildings where the Mohawk Institute is—about ten acres. He said, "Will you be satisfied," and I think the council accepted that. We got everything except the buildings.

Naturally, they had made a lot of improvements there, that is, the Anglican church people, and we had an opportunity to get it back by paying \$10,000.

Mr. SMALL: Was that church a grant from the crown and would revert to the crown if they did not use it?

Hon. Mrs. FAIRCLOUGH: I do not think so. It was Indian land.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): The church built on it and they were entitled to the improvements before turning the land back.

Mr. HILL: I thought of a few more points. At the present time we have a gypsum plant and bordering the plant we have a piece of property which used to be a road along the railroad track. At the present time they are digging it up and are going to put a spur line in there, and we do not know anything about it. We do not know who gave the authority or anything.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): That is the Canadian Gypsum plant at Hagersville.

Mr. HILL: Yes. I think it is the Canadian National which is putting in the spur. I do not know who is doing the contract. We do not know anything about it and it is on our land.

Mr. FRASER: You do not know who is getting "gypped".

Mr. HILL: There is another case. The town of Caledonia has put up a water tank on our property without consulting us.

Mr. HARDIE: Could the officials in the department tell us anything about these transactions?

Mr. H. M. JONES (*Director of Indian Affairs*): Chief Garlow and Councillor Hill called on me this afternoon and acquainted me for the first time with these two cases. Our estates and lands branch is meeting with these two gentlemen to try to trace down what happened. I am not familiar with the case. I believe, Chief, that you just heard about the one case a week ago?

Chief GARLOW: Yes.

Mr. JONES: I am not at all familiar with it. We are going to dig into it tomorrow morning and we will see what the background is of that and also the matter of the water tank at Caledonia. We will know more about it tomorrow.



Mr. HARDIE: I am not too familiar with reservations. Have you an official of your department on the Six Nations reservation?

Mr. JONES: Yes, a superintendent.

Hon. Mrs. FAIRCLOUGH: He does not reside there.

Mr. JONES: He resides in Brantford.

Mr. HARDIE: In a case like this, would it not be his responsibility to inform your office here?

Chief GARLOW: I did not bring this up. We always cooperate with the department here. They have been very cooperative. We have taken this matter up and we did not intend to bring it up here. It slipped out by Mr. Hill. We know they will look after it. We will cooperate with them. It is true we did not know anything about it, and, in fact, we just found out recently. We inquired into the situation. They had a spur in before and we had no knowledge of it. There is no record in the Indian office as to how they got permission to put this spur in before.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): You say they have put a spur through your reservation without your permission?

Chief GARLOW: Yes. There is no record.

Hon. Mrs. FAIRCLOUGH: I think this should be clarified. This is just this new instance—not before.

Mr. JONES: I asked Chief Garlow the same question Mr. Hardie asked me—what was the Indian superintendent's knowledge of that—and he said they had just discussed it with him, that he had no record, and said that if you are going to Ottawa, take it up there.

Mr. SMALL: How did they get the property at Caledonia? You say they encroached on you with a water tank. How did that affect the Indians?

Chief GARLOW: A few years ago our ancestors gave that for a market. I took it up some years ago with them. I went to the crown attorney who was in charge in Caledonia and I said, "You do not have a patent for that place." He said, "I think we have." Then he said, "I will look it up." Then he left the office, came back and said, "Mr. Garlow, would you mind coming back another day and I will have more time to look into the matter." So I went back a few weeks later and he said, "I will look it up." I had to go back again and when I did he said, "We have a patent for the town hall but not where the tank is." He said, "We will send up a representative and buy it off you."

The next year I was defeated. Then when I was elected again I went back and he said, "Go to the reeve." We appointed a delegation, met the council, and they said the same thing—we will buy it. I am expecting the department to look into it. It is definite they have no patent for it. It still belongs to the Six Nations. They do not want to take it away from us; they are willing to make a settlement.

Mr. HILL: I might explain it a little further. You seem to think our land is all on a reserve.

Mr. SMALL: It runs up and down the river there.

Mr. HILL: Yes. We have some property around the Mohawk chapel as well, and part of the Glebe lot. Then we have another parcel of land just below Caledonia on the opposite side of the river.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): York.

Mr. HILL: Yes; between Caledonia and York. There are fifteen acres there. We have property here and there. It is not all on one reserve.

Mr. HARDIE: But it is still considered part of the Six Nations reservation?

Mr. SMALL: It has not been surrendered. Has it been surrendered?

Mr. HILL: It is ours until we surrender it.

The ACTING JOINT CHAIRMAN (Mr. Charlton): It is still considered part and parcel of your reservation?

Mr. HILL: Yes.

The ACTING JOINT CHAIRMAN (Mr. Charlton): There is another farm north of Brantford, I believe, also?

Mr. HILL: Yes; what they call Smokey Hollow.

The ACTING JOINT CHAIRMAN (Mr. Charlton): If there are no further questions on section 37, we will pass along to section 72.

Mr. FRASER: Mr. Chairman, I think we should find out what plans have been made for hospitalization, especially in the provinces which have taken out hospital insurance.

The ACTING JOINT CHAIRMAN (Mr. Charlton): The health services of the Department of Health and Welfare will be before us at some time.

Mr. FRASER: Then we might defer that.

The ACTING JOINT CHAIRMAN (Mr. Charlton): We now have the feelings of the council on this matter.

Mr. HILL: I would like to draw your attention to the last page, the appendix, resolution No. 8, dated May 6, 1926. At that time the health and welfare department came to the council to discuss hospitalization. You will notice there that an agreement was made to start erection of a ten-bed hospital on the reservation. It was carried and approved by the department on a fifty-fifty basis. We did not go to work and find out what the cost was, but let him have the land on the original site of the hospital.

Then after that the Department of Transport were good enough to give us the army camp near Brantford and one of the big buildings down there was moved—we do not know who moved it—and at the present time they are using it for the men's ward. We cannot say how much the cost of that is.

In the next resolution we accepted the quitclaim purchased from David Hill by the Department of National Health and Welfare. So, as you all know, there is nobody else who can claim land on a reserve, only the Indians. So we accepted a quitclaim to that as well.

This next resolution is that the council grant permission to the Department of National Health and Welfare to use land purchased from David Hill for their purposes as long as the present system of free medical service for the members of the six nations is in operation, and that an agreement to this effect be drawn up between the council and the Department of National Health and Welfare.

That agreement was never drawn up, but the Department of National Health and Welfare is still using that land for their purposes. However, now they had made this hospital plan to make us pay. So I claim that we should have some kind of understanding before they go on and break this resolution by the council.

Mr. SMALL: You made a statement, councillor, in regard to the fact that you were provided with free medical services.

Mr. HILL: Yes.

Mr. SMALL: That is done throughout the reservation. The Department of National Health and Welfare supplies it.

Mr. HILL: Yes.

Mr. SMALL: That makes a different picture of the hospital branch. You are given free service.

Mr. HILL: I might say that when Dr. Proctor and Dr. Weade were down at the council to enlighten us on this matter, Dr. Weade made a statement which

I took to be official, that anybody who was making less than \$40 a week was indigent. Therefore he was eligible for free medical care.

Mr. SMALL: I wonder if we might hear from Mr. Jones about this. Could he give us an explanation of what they are entitled to receive in the way of medical service?

Mr. JONES: Well, I think the chief and the councillor have pretty well told the story up to this time. The Department of National Health and Welfare has in general provided hospital and medical care including tuberculosis care to the Indians of Canada. But with the introduction of a hospital scheme I think they have been attempting on a voluntary basis to see if they could get bands interested in paying for their share of this new scheme, with the Department of National Health and Welfare possibly paying for a share of it.

I think that is the negotiation that he speaks of with Dr. Proctor and Dr. Weade, getting away from the overall 100% free medical care to medical care for indigents only, with the band coming in under the hospital scheme. It may be that when the Department of National Health and Welfare appear before you, they may be able to clarify the matter.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): We have already decided to let this go until the Indian Health Services of the Department of National Health and Welfare appear before the committee, when we can get information from them. I think that would be much better.

Mr. SMALL: It raised the question and I thought I might clarify it.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Are there any further questions on section 86, taxation and vote?

Mr. FRASER: In regard to this, we have had Indians on this reserve—or some of them—who said that they did not want it.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): You mean the vote?

Mr. FRASER: Yes.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Chief Garlow mentioned it in his earlier remarks, when he said there were some people on the reservation who would not vote.

Mr. SMALL: The matter has been taken before the courts. Is it not a question that has not yet been decided?

Mr. FRASER: Very well. I shall not pursue it any further then.

Mr. HARDIE: In the Northwest Territories and in the Yukon and in certain parts of Canada where Indians are not on a reservation, they already have the vote. And this exemption by the Indians of the six nations reserve—I am sure it could be adapted under the Canada Election Act, and those who did not want to vote would not be forced to vote. If they amend the Canada Elections Act to allow Indians in Canada to vote at federal elections, that does not mean to say that there is somebody standing behind them with a bayonet to make them vote. They might vote if they wished, the same as any white person may, or refrain from voting as the case may be. I think they should be given the vote the same as anybody else.

Mr. SMALL: A lot of white men do not vote.

Chief GARLOW: May I comment on this. As you all know we have been given the vote. But as I said before, some people say we do not take our part. But there is a hindrance in sub-section 2 of section 2. I got a letter from Mr. Howard, a member of parliament here.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): He is sitting right there.

Chief GARLOW: He told me that he would bring this matter before the house and I was tickled to death and I brought this question before the council. For some time they could not see eye to eye with me. But just

recently through a misfortune which I suffered I was unable to answer, but I made up my mind that I would see him and talk to him. My idea is this; it says here—and I will read it to you—it says that sub-section 1 does not apply in respect to the person or property of an Indian who has executed a waiver under the provisions of paragraph E, of sub-section 2 of section 14 of the Canada Elections Act.

About four years ago before this previous election in the province of Ontario, I got out the revised statutes and I read them over. I saw several places where it said "in the province" so I did not vote. I was tickled to death to see this.

I met some of the men who were working in the province during the recent election and they said to me; "Garlow, it would not hurt you to vote in the province." I said "I will ask you one question; can the provincial government legislate laws which are inconsistent with those of the federal government?" And the fellow said: "I executed a waiver."

I say there are two separate pieces of legislation. Oh, I think there is cooperation from the municipalities to the provincial government, and from the provincial government to the federal government, and to the privy council. I say there is cooperation, and if high authority says there is not, I will not believe it. But can somebody tell me if a municipality or a province can legislate laws which are inconsistent with those of a higher authority?

I think section 80 is the one which says that a council of a band "may make by-laws not inconsistent with this act or regulations made by the governor in council or the minister for any and all purposes namely"... so I say—and I may be mistaken; I am always open for correction—but as I understand it, there must be cooperation. In other words, as you all know, we have ten provinces in the Dominion of Canada. But what kind of a country would we have if every province had the right to legislate laws as it saw fit? So I did not vote. I hope to see the day when you gentlemen of this house will legislate, or the government of Canada will see fit to do so.

I was here when they revised the act in 1952. I met the parliamentary committee and they discussed this one question. The Honourable Mr. Fulton got up and said that he did not like it. He said: "Can we not forgo this? The Indians held this country at one time, but little by little we have been encroaching upon them. Surely we can give them the privilege to vote". Take the immigrants who came to this country. They are here only a short time when they are given the right to vote. When Christopher Columbus discovered America, who did he find here? Somebody said: the Indians. We are the original inhabitants of North America so why should we not have the vote without waiving our rights?

In a recent speech I said that in World War II the Japanese and the Germans were conquered with unconditional surrender. I said—and I despise the word assimilation—why did they not assimilate them? I said if the Germans and the Japanese wished to hold their heritage and nationality then we want to hold ours. I would be tickled to death if we were given the privilege, because we want to take our part, and this has been a hindrance to our people. We want to take our part with you people. We look forward to it.

I said recently: some say that Garlow is old fashioned. I am not. I believe in progress. I look forward to the time—and it will not be in my time; but education is going to do it.

Our people today sit side by side with your children in colleges, high schools, and universities. They do the same work, I am proud to say. Our



honourable member of parliament just recently issued \$1,000 for a scholarship to one of our children. I am proud to say that, and I think the time is coming when our people will take their part with your people to make Canada a better place in which to live.

Mr. SMALL: Did you not have the vote at one time under Sir John A. Macdonald? I remember talking to Chief Tobias about it. The women did not vote then, but you Indians did have the vote. However it was taken away from you. So there would be no reason why you should not get it back again.

Mr. HARDIE: Is not the Chief's objection to the acceptance of the vote by Indian people that they feel, or they have been told by some people that if they do vote, they will lose their treaty rights?

Chief GARLOW: It says that here.

Mr. SMALL: There are only 175,000 spread over Canada. Surely there would be no effect on the general population, and they could vote the same as the rest of us.

Chief GARLOW: That is why I picked up the revised statutes where they said that those who served in World Wars I and II were eligible to vote. I did not serve in the wars. I was too old.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Are there any further questions on 86? If not, number 112, enfranchisement.

Mr. SMALL: Was that not coupled with the earlier one?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): It is quite similar, yes. We had quite a discussion about enfranchisement.

Mr. HOWARD: I think there is quite a difference between them. This allows for compulsory enfranchisement of the individual.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Band enfranchisement.

Hon. Mrs. FAIRCLOUGH: As a matter of fact I am going to ask the director to speak to this. However this particular section has not been operative, and in so far as we are concerned, I think that when the act is revised, there will be a recommendation to remove it. I do not think I am speaking out of turn when I say that. We are agreed that it should come out. So I do not think there is any point in arguing about this. Is that not right, Mr. Jones?

Mr. JONES: The minister is quite correct. It is in the act but it has never been operative. However it is there.

Hon. Mrs. FAIRCLOUGH: We have no objection.

Mr. JONES: The committee stage is used in the case of voluntary enfranchisements. The committee form should not be omitted in 112. But there is provided in there at present, without the consent of the individual or the band. However, it has never been used by the Indian Affairs branch or by any government.

Mr. HOWARD: I wonder if I might make a comment rather than ask a question?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): All right.

Mr. HOWARD: I know that this is a sore point with practically every band across the country. I am in complete agreement that there should be no compulsory enfranchisement. But I wonder—this is merely a suggestion to the minister—I wonder if it might not be wise to leave it in the act, that a committee may be appointed, but only where there is a voluntary request by the band.

Hon. Mrs. FAIRCLOUGH: We can look into that.



Mr. HOWARD: Yes, rather than to remove it, and not allow any provision for investigation or study.

Hon. Mrs. FAIRCLOUGH: It really does not do any harm. It is like a threat hanging over their heads.

Mr. JONES: We need machinery for section 111.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Just before we conclude I would ask for a motion, since Chief Garlow did not read this whole brief into the record. I think it would be well to have a motion that the brief be included as printed.

Mr. SMALL: I so move.

Mr. FRASER: I second the motion.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): All in favour?

Agreed.

Chief GARLOW: Gentlemen, the Six Nations Council advises the Joint Committee of the Senate and the House of Commons on Indian Affairs to make the following recommendations to the government.

#### *Section 15 and 16*

No action shall be taken under these sections without the prior approval of the band council.

#### *Section 15 (1) (a).*

The department should look into each application for enfranchisement thoroughly before any moneys are paid out of the capital and revenue moneys held by Her Majesty on behalf of the band and the Indian who becomes enfranchised shall not be paid his or her per capita share unless with the consent of the band council.

#### *Section 17*

No part of this section shall be enforced without a vote of a majority of the people affected.

#### *Section 35*

No land shall be taken under this section without the normal legal procedure of a surrender in accordance with section 37.

#### *Section 37*

Delete—"Except where this act otherwise provides".

#### *Section 72 (g)*

In respect to this section the parliamentary committee be requested to make a full investigation into the health services for the Six Nations Indians.

#### *Section 86 (2)*

It is recommended that the Indians be given a vote in the federal elections without the necessity of executing a waiver under the provisions of para (e) sub-sec. (2) sec. 14 of the Canada Elections Act, 1951.

#### *Section 112*

Objection is made to the provisions of this section whereby a band or an Indian of a band may be enfranchised without having made application for the same.

### General Comments

*Re:—The wide powers of the minister as provided in the present Indian Act.*

We would point out that the government recognized that the Indian people were a sovereign nation. It is self-evident that a state makes treaties only with a sovereign state and not with its wards. In view of this fact we feel strongly that the Indian Act should restore to us the right of self-government in our domestic affairs and not to make us subservient to the will of one individual. The Indian Act fairly bristles with phrases of this type: section 19. "The minister may", to quote one from the many that may be found. Can this be the resulting legislation which we look forward to with such high hopes after the joint parliamentary committee had heard our claims, grievances and recommendations.

### Appendix I—*Re: Hereditary Chiefs*

1. Acceptance of the Indian Act by Hereditary Chiefs April 7, 1880.

#### *Names of Chiefs in favour of the Indian Act, 1880*

David Thomas; Timothy Burning; John Hill; John Buck; John Gibson Sr.; Jonas Froman; Elijah Lickers; John General; Nicodemus Porter; Henry Clinch; Joseph Porter; Abram Charles; Joseph Honry; Wm. Wage; Jacob Jamieson; David Hill Jacket; Gehazi Carpenter; Thos. Isaac; Moses Hill; Richard Hill; Josiah Hill; Wm. Bomberry; Wm. Jamieson.

#### *Names of Chiefs against the whole of the Indian Act, 1880*

John Carpenter; (Moses Martin wishes to remain neutral) Abram Lewis; John Fraser; Peter Powless; Daniel Doxtator; George Key; George Buck; William Buck; Charles Sky; James Monture; David Frazer.

2. Indian Act used by the Chiefs.

John Sickles arrived this Reserve as a deputation from Munceytown, in reference of our Women intermarried with the people of Munceytown, and when married they were erased from our payroll now they are anxious to be replaced on the list but the Council refused, *on account of the Indian Act disallowing any such proceeding.*

Taken from Minute Book under date of February 2, 1881

3. Text of Proclamation—By Confederate Council of Chiefs—March 5, 1881.

*Article Six:* Be it further proclaimed that from this date forward all buildings, property, land titles and leases which have been illegally confiscated or let by virtue of the Indian Act shall be reclaimed by the Confederate Council of Chiefs.

### Appendix No. II—*Re: Section 72 (g) Mentioned in Brief*

#### Copies Re; Hospital

1. Resolution #8, May 6, 1926.

Moved in amendment by David General seconded by William Smith, that we proceed at once with the erection of a ten (10) bed hospital on the Reserve, providing the Department agrees to pay half of cost of building and maintenance. Carried.

2. Resolution #18, Page 172, July 2, 1953.

Moved by Leonard Staats and seconded by Walter Lickers that this Council accept the Quit-Claim to the land purchased from David Hill by the

Department of National Health and Welfare and being part of the East half of the South half of Lot No. 19, Concession 5, Tuscarora, containing 7.3 acres. Carried.

*Resolution 19, Page 172, July 2, 1953*

Moved by Fred J. Hill and seconded by George D. Vanevery that this Council grant permission to the Department of National Health and Welfare to use the land purchased from David Hill, for their purposes as long as the present system of free Medical Service for the members of the Six Nations is in operation and that an agreement to this effect be drawn up between the Council and the Department of National Health and Welfare. Carried.

Mr. HOWARD: There is a second page entitled general comments with respect to the wide powers of the minister as provided in the present Indian Act. It does not deal with any specific section but we may want to make some comment about it.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Does Chief Garlow want to make any comments about page 2?

Chief GARLOW: I think that Councillor Hill does.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Councillor Hill, do you wish to speak to page 2 of your brief?

Mr. HILL: Well, I think the chief left that to me. He wanted to dodge that himself. There are a great many places in the Indian act where it refers to the minister may do this, and may do that. I do not believe that the minister knows anything about half of what this act says. Therefore we would like—it is too much work for one person and too much authority. I like to use the words that members of the department used when the elective system was first brought into effect. They went down there and I happened to be in the council listening in, and they used these words: that they were glad that the elected council was in, and that they thought they would get better co-operation. And I think that would apply here, where instead of leaving it all to the minister, if we would be consulted on these matters instead of the minister going ahead—although I know she would not do anything to us. But I am guarding against somebody else who is not as good as she is.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I do not think there would be very many cases where that would happen.

Hon. Mrs. FAIRCLOUGH: I think it is largely a matter of legal terminology. Even after the bands have been consulted and they have decided to do certain things, the minister still must put the legal stamp of approval on it, not as an individual, but as a minister of the crown. I just point out that difference to you as a suggestion as to what that phraseology means

Mr. HILL: In other words, you would not do anything that would hurt us.

Hon. Mrs. FAIRCLOUGH: I have made it a hard and fast rule ever since I have been minister of this department that what the Indians want comes first with me. I think you know that we always inquire as to the wishes of the Indian bands as expressed by their council before we proceed.

Chief GARLOW: I would like to make another comment. I like the attitude that you are going to leave this. That is only democracy. Our boys fought for this overseas and many did not come back. I think it would be a good thing to leave it for some people on a voluntary basis because after all we want to have freedom. We fought for it. At least our people fought for it. And we would like to use it. I would like to think that we had no freedom which was compulsory.

We believed our minister in 1954. We never used it. I said maybe not you, but if it is there, why not take it out. But still it is there, and it is still in the new act. Now I am glad to see—and you are most co-operative and we appreciate the fact. I thank you very much for listening to our remarks this afternoon and we wish to co-operate to the fullest extent and to work with one another. I know we have a good department here working with us, and I know you will do the same too.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Just before we adjourn, on behalf of the committee I would like to thank you Chief Garlow, and you Councillor Hill for giving us the benefit of your wisdom in this committee.

Mr. HARDIE: May I ask where you two men were educated.

Chief GARLOW: On the reserve.

Mr. HARDIE: In what type of school.

Chief GARLOW: I went to high school for about one year. Then I took some books and studied afterwards by myself a little bit. I always think it is a good idea.

Some years ago I heard a comment. Perhaps you have heard this as well. A man ran in Brant, I believe, for member of parliament and he said they asked him a question: what qualification does a man have to have to be a good hockey player? And he said education. I think of that a great deal. Well, if education could make a great hockey player, it will also make a man or a woman, no matter what occupation they wish to pursue—it will make a better man and a better woman.

Mr. HILL: I was ten years old before I could speak English. I was put in a Mohawk school which was a residential school operated by the New England Company at that time. I am glad to say that I went through although we were punished with rawhide whips and put in cells with chains on our legs. But I am glad that I did go through. I am able to say a little bit for the benefit of the Indians from the Six Nations.

Also I would like to say that I am mostly glad because when I was there I was put in a band against my will and today I cannot read a note of music. You would wonder how I came to play for King George V.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): If there are no further questions we will adjourn. The meeting tomorrow will be held in room 356-S at 3:30 p.m. Delegates from the Six Nations Confederacy will be the witnesses tomorrow.

1959



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Joint Committee of the Senate and the House of Commons  
on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone  
and  
Mr. Noël Dorion, M.P.

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## MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

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WEDNESDAY, JUNE 24, 1959

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### WITNESSES:

*From the Six Nations Confederacy:* Chief Emerson Hill; Mr. William Smith; and Mrs. Ella Worthington.  
*From the Department of Citizenship and Immigration:* Honourable Ellen L. Fairclough, Minister, and Superintendent General of Indian Affairs; and Mr. H. M. Jones, Director of Indian Affairs.  
*And also:* Dr. Maurice Ollivier, Law Clerk, House of Commons.



MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone,  
*Joint Chairman,*  
Hon. W. A. Boucher,  
Hon. D. A. Croll,  
Hon. V. Dupuis,  
Hon. M. M. Fergusson,  
Hon. R. B. Horner,

Hon. F. E. Inman,  
Hon. J. J. MacDonald,  
Hon. L. Methot,  
Hon. S. J. Smith,  
Hon. J. W. Stambaugh,  
Hon. G. S. White—12.

FOR THE HOUSE OF COMMONS

Mr. Noel Dorion, *Joint Chairman,*  
Mr. H. Badanai,  
Mr. G. W. Baldwin,  
Mr. M. E. Barrington,  
Mr. A. Cadieu,  
Mr. J. A. Charlton,  
Mr. G. C. Fairfield,  
Mr. G. K. Fraser,  
Mr. D. R. Gundlock,  
Mr. M. A. Hardie,  
Mr. W. C. Henderson,  
Mr. F. Howard,  
Mr. S. J. Korchinski,

Mr. R. Leduc,  
Mr. J. J. Martel,  
Mr. H. C. McQuillan,  
Mr. H. J. Michaud,  
Mr. G. W. Montgomery,  
Mr. R. Muir (*Cape Breton North  
and Victoria*),  
Hon. J. W. Pickersgill,  
Mr. A. E. Robinson,  
Mr. R. H. Small,  
Mr. E. Stefanson,  
Mr. W. H. A. Thomas—24.

Quorum—9

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

WEDNESDAY, June 24, 1959.

(6)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 3.40 p.m. this day, the Joint Chairman, Honourable Senator Gladstone, and the Acting Joint Chairman, Mr. Charlton, presided.

*Present:*

*The Senate:* Honourable Senators Boucher, Fergusson, Gladstone, Horner, Inman, MacDonald, Stambaugh.

*House of Commons:* Messrs. Badanai, Baldwin, Barrington, Charlton, Fairfield, Fraser, Hardie, Howard, Martel, Montgomery, Robinson, Small, Stefanson, Thomas.

*In attendance:* From the Six Nations Confederacy: Chief Freeman Green, (Official Delegate); Chief Alexander Jack General; Chief Emerson Hill; Chief Levi Jacobs; Mr. Arthur Anderson, Secretary, (Official Delegate); Mr. William Smith, Assistant Secretary; and Mrs. Ella Worthington, present on request of Mr. M. Montgomery, who is Legal Counsel for the Confederacy.

*From the Department of Citizenship and Immigration:* Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration, and Superintendent General of Indian Affairs; Mr. H. M. Jones, Director of the Indian Affairs Branch and Mr. C. I. Fairholm, Executive Assistant to the Director.

*And also:* Dr. Maurice Ollivier, Q.C., Law Clerk, House of Commons.

The Acting Joint Chairman, Mr. Charlton, called on Mr. William Smith to introduce his associates from the Six Nations Confederacy.

Mr. Charlton pointed out that certain matters are presently before the Supreme Court of Ontario, and he requested the witnesses and members of the Committee to assist him by avoiding discussion on those matters that are *sub-judice*.

Dr. Ollivier was called, and he outlined the restrictions normally imposed on the House of Commons in respect of matters that are before a Court.

*Agreed,*—That the witnesses be permitted to make their presentation; and that the Members of the Committee, in their questioning, try to avoid direct reference to those matters presently *sub-judice*.

Mr. Smith explained that due to the restrictions imposed he could not deal at this time with the points of particular interest to the Confederacy.

Mrs. Worthington was called and she outlined the history, tenets and customs of the Six Nations Indians, and quoted from numerous documents a record of their struggles to retain their rights throughout the years.

It was suggested that other Indian groups who are being called to appear before this Committee be advised of the scope of the Committee's "Order of Reference", and that it be pointed out to them that that reference is not restricted to a consideration of the Indian Act and amendments thereto.

The witnesses asked that they be permitted to appear again before the Committee after the decision of the Ontario Supreme Court has been announced. The Committee indicated that it was in sympathy with this request.

At 5.25 p.m. the Committee adjourned until 3.30 p.m. Thursday, July 2, 1959.

E. W. Innes,  
*Clerk of the Committee.*

## EVIDENCE

WEDNESDAY, June 24, 1959.

3:30 p.m.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Ladies and gentlemen, if you will come to order, we will proceed. We have a quorum.

As you know the Six Nations Confederacy are here today. I will call on Mr. Smith to introduce the group to you. We are very happy to have you here. Before we start, I must say, in view of the fact that there is a case before the courts, it makes some of our discussion sub judice. I hope the members of the committee and the witnesses will all cooperate in not discussing anything regarding the constitutionality of the act or the orders in council which are referred to in the submission which I, at least, have seen. That would be out of order. I know we are going to be interested in what this delegation has to tell us. We are sorry that we must place this restriction on the witnesses and the committee as far as questions are concerned. It is, however, the law and we cannot do anything about it. I would ask Mr. Smith to introduce his group.

Mr. WILLIAM SMITH (*Assistant Secretary, Six Nations Confederacy*): Mr. Chairman, senators and members of the house, it is a privilege to again appear before you. I have had that privilege on several previous occasions. On this particularly neglected Indian question, it certainly is pleasing to the Indians to have an opportunity to express their opinions again and to go into this vexatious Indian question and problem which is before us.

First of all, I would like to introduce the other witnesses: Mr. Arthur Anderson, Secretary of the Six Nations Confederacy; Chief Freeman Green, one of the chiefs of the confederacy; Chief Emerson Hill, sub-chief of the confederacy; Chief Levi Jacobs and Chief Jack General of the confederacy. We also have with us Mrs. E. Worthington, representing Mr. Montgomery who was unable to be present today.

Gentlemen, you have certainly put a crimp into our argument here, because our whole argument and the Six Nations history is before the courts. If we cannot argue that, there is nothing much we can do or say if it is ruled out of order by the chairman.

Mr. THOMAS: Since we have not heard what the chief has to say, should we not hear it and then decide whether or not discussion on it is in order?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I am afraid it is not that simple. The matter is sub judice. It was explained to us in the committee yesterday. The matter is before the court, has been tried and the judgment has not yet been brought down.

Dr. Ollivier, the law officer of the house is here, and if you would like to hear him explain the situation I think probably that would be wise. As a law officer of the house, it is Dr. Ollivier's duty to see that the rules are followed and that we keep within the purview of the committee's rights. Is it agreed we hear Dr. Ollivier?

Agreed.

Dr. P. M. OLLIVER (*Law Clerk and Parliamentary Counsel*): The doctrine of sub judice is easy to explain. I think I could do it by giving you two or three citations. I have here, in *Campion* the following:

A matter, whilst under adjudication by a court of law, should not be brought before the House by a motion or otherwise. This rule does not apply to bills.

Also the following:

Matters awaiting the adjudication of a court of law should not be brought forward in debate . . . .

Then in *Beauchesne*:

Besides the prohibitions contained in Standing Order 41, it has been sanctioned by usage both in England and in Canada, that a member, while speaking, must not: . . . (c) refer to any matter on which a judicial decision is pending.

Now, many years ago, I think about twelve years ago, there was a motion made in the House of Commons on human rights. At that time, Mr. Diefenbaker suggested that the question be referred to the Supreme Court for decision. That was ruled out of order. I will read about five lines of the Speaker's decision at that time.

This amendment actually proposes that the Supreme Court be asked to consider the same matter that the main motion proposes to refer to a select committee. It seems to me that both those propositions cannot be approved at the same time by the House. If the constitutional situation of human rights is submitted to the Supreme Court it thereby becomes sub judice and cannot be considered by the committee until the court has given its decision. The question cannot be before two public bodies at the same time. For this reason I feel bound to rule the amendment out of order.

The matter which is before the court I do not think will prevent the witnesses from speaking or saying practically everything they want to say except discussion of the constitutionality of the matter and whether or not the act itself is ultra vires or whether or not the two orders in council, 1921 and 1951, I think, are out of order. I do not think the discussion should bear on that; but I can say I do not see why the witnesses should not be heard. They can go pretty far, provided they do not bring before the committee the exact points which are before the court until the court has rendered its decision.

If these persons had come here, say, on July 10, they would have been better off because I think the judgment would have been rendered by that time. At the moment, I think they should limit themselves as to whether the act should be amended or that the order in council be rescinded. If they keep within those bounds it gives them pretty wide latitude, I think.

On the other hand, I do not imagine the committee could make a recommendation in the sense of a decision.

Mr. THOMAS: Mr. Chairman, is it the witnesses who are restricted or is it the members of the committee who are restricted under these rules?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Everybody.

Dr. OLLIVIER: Yes. Probably the witnesses would be less restricted than the members because the rules apply mostly to the members. I think, however, they would be restricted if they attempted to deal with any question which they have asked the court to resolve. This question could not be in both places at the same time.



Mr. THOMAS: Can they submit their case?

Dr. OLLIVIER: For instance, they can make a submission that the act be amended, or that the order in council be rescinded, but they could not ask that it be rescinded because it is *ultra vires*.

Mr. THOMAS: Suppose they do not ask for anything?

Dr. OLLIVIER: There is a point to which they can go, but no further than that.

Mr. THOMAS: Suppose they do not ask for anything, but simply state their case?

Dr. OLLIVIER: I think that would be admissible.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Certainly I am not going to rule with too rigid a hand. I think we will be very reasonable and listen to their story as much as possible.

Mr. SMITH: Mr. Chairman, the situation is that this case which is before the court took longer than three days to present, and the whole history of the Six Nations is tied up in that case. If the committee cannot handle what we present, there is no use in presenting it. We could wait until after this is finished.

Mr. BALDWIN: As I understood the precedents which were quoted, it appeared to me there is a restriction on debate; but, I do not think it goes so far as to restrict the giving of evidence and establishing the facts upon which debate might later take place.

As I see it, all the facts could be given to us but we are not in a position to debate the constitutionality of the issues which are before the court.

Mr. MONTGOMERY: We are just wasting our time if we take up the matters now before the court with which we cannot deal.

Mr. FRASER: We could not ask questions on them.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): You have heard it explained by Dr. Ollivier. If you wish to ask Dr. Ollivier further questions regarding this matter, I am in your hands.

Mr. MONTGOMERY: I do not think many of us know exactly what the questions are before the court.

Mr. FRASER: Perhaps we might let the witness go ahead and Dr. Ollivier could halt him when he thinks he should be halted. Let him be the referee.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Mr. Smith, we will ask you to proceed and use your own judgment. Dr. Ollivier will act as the umpire.

Mr. SMITH: The main argument is based on the orders in council, 1924 and 1951. If they are not to be discussed, if it is improper to discuss them, we will abide by that, but we cannot discuss this issue without bringing up the main issues because we would be leaving out something which is of importance. This is the most important aspect of the whole case. The trouble among the Six Nations started in 1924 with the orders in council.

Dr. OLLIVIER: Just state the facts.

Mr. HOWARD: Give us all the background necessary. I think that is quite all right.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): As I understand it, it is in order as long as you do not ask us to change those orders in council. You could ask us to have them rescinded or change the act, but not to say that the act is *ultra vires* or unconstitutional. I am sure the members of the committee will be very interested in hearing the history of the case.

Mr. SMITH: What I should do then is just go so far, and to go so far would be to leave out the most important points. That is a sort of handicap.

An hon. MEMBER: Read your brief.

Mr. SMITH: We do not wish to present a brief at this time, gentlemen, on account of that. We have not prepared a brief, although Mr. Montgomery, the solicitor has prepared one on our behalf without the chiefs having approved of it as yet. I would have to have the approval of that before I presented it. We could present it later.

Perhaps I might outline some of the history of the Six Nations, which is so important. The Six Nations history begins a long way back before the birth of Canada. They became allied with the British crown through a treaty of friendship. After the American revolutionary war we came to Canada as allies of the crown and settled on the banks of the Grand river and carried on our business independently under our confederacy—our chiefs—without any interference whatsoever from the government or the department. They cooperated very well.

In 1924, however, unknown to the chiefs, they read a proclamation that the chiefs were abolished and they would like to have a council set up. That was when the trouble started. The Six Nations people have never supported this movement to the present day. They have had to wait 35 years to be even heard on this issue, and I hope it does not take another 35 years to settle this issue.

The constitutionality of these acts is the very basis of this. Then the change in the 1951 amendment is another very important step. I feel with the committee unable to deal with these at the present moment it is unfair to ask our people to go ahead with this discussion at the present time. I am surprised at the attitude, but I can see the position the chairman takes. I believe he is justified in taking the stand he has, because there are precedents on this same issue in other matters. I do not quarrel with the chairman. I think he is right in his ruling and we submit to it.

I would ask, however, that we have an opportunity at a later date to present this. The judgment should have been brought down long before this. The hearing took place practically three months ago, or more. It is time there should be a judgment handed down on this case. It is not done yet and I abide by the ruling. I do not think we should go on under these conditions. It is unfair to ask us to go into these things and expect us to give a fair presentation on behalf of the Six Nations. It is unreasonable for us to go on.

Mr. FRASER: Dr. Ollivier said that the witness could speak and state his case, but the only thing was that the members of the committee would not be able to ask all the questions they might like to ask. I do not see why they cannot go on.

Senator MACDONALD: I wonder if his question dealt with that. If not, I want to go on with one.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Ladies and gentlemen, according to Dr. Ollivier they can go ahead and state their case but we would not be permitted, to ask questions in regard to it.

Mr. FRASER: Pertinent questions.

Dr. OLLIVIER: Certainly no questions relating to the constitutionality of the act or the orders in council. But you could ask other questions.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Is it your wish that the witness go ahead and tell his story?

Mr. ROBINSON: I think it would be unfortunate for these gentlemen to appear here and that we should let them go away unheard. There is one question which comes to my mind. What would be the percentage among the Six Nations who are not satisfied with the 1924 act?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): That would be perfectly all right.

Mr. ROBINSON: That would add to the information of all of us here, and and I think that is a type of question which it would be permissible to ask.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Is it your wish that this witness or any of the other witnesses go on and tell their story before the committee, and that you would reserve your questions arising out of the discussion with respect to the constitutionality of the act or of these two orders in council? Is that agreed?

Agreed.

Senator MACDONALD: I do not think that is what I had in mind. What I had in mind is this: your co-chairman happens to be a colleague of mine, a desk mate of mine in the Senate. I know he is very well versed on Indian matters all across Canada, but he is tongue-tied right there because he is co-chairman. Is it possible for him to be relieved from his duties in the chair so that he may give us advice on many of these matters? I think it would be helpful to the committee.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): There is nothing to prevent him from doing that, but I think in view of the fact that the representatives of the Six Nations confederacy are here today, and in view of the fact that we can hear from Senator Gladstone at any time—I think probably our time should be spent with the witnesses who are here today from a great distance.

Senator MACDONALD: Probably he could draw out further information. That is what I had in mind.

The JOINT CHAIRMAN (*Senator Gladstone*): I would not try to do that.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): He can still ask questions if he so wishes.

Mr. MONTGOMERY: I have no objection. Let them go on. I think that is all right. But I feel that the committee should have these witnesses before them at some later time when they can ask questions. I was wondering if they would be prepared to come back. It will not be at this session. It would be at the next session.

They say they would rather reserve their presentation. I think we might hear them and discuss it at that time, and we will have had the judgment in the meantime.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Well, if it is the wish of the committee to go ahead and listen to the witnesses and then decide if you prefer to bring them back again at a future time, that is up to you. It is not up to me.

Dr. OLLIVIER: They can lay the foundation.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): You can go ahead and tell us the story, following which the committee will decide whether they would like to have you come back in the future after the judgment has been brought down.

Mr. SMITH: Thank you, on behalf of the secretary, Mr. Anderson, and myself. We had prepared more or less the legal end of it. But we have with us Mrs. Worthington to speak on the historical end. I think we might hear from her about it, because she has the history of this thing down pretty well, and without touching on the legal end of it. I think that would be more suitable for the committee. Is it permissible?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): It is perfectly all right if you would like to have Mrs. Worthington speak. Will you please come to the head table, Mrs. Worthington.

Mrs. ELLA CORK WORTHINGTON: I do not think I could speak sitting down. Madam, honourable minister, Mr. Chairman, and members of the Senate and House Committee on Indian Affairs: before I speak I wish to state that I heard the case at Brantford. Now, there is almost nothing in the historical

background which was not covered during that case. Mr. Justice King allowed the plaintiff extreme latitude in presenting his case. Mr. Montgomery went into all sorts of conditions and angles of the whole matter, and it is impossible for me to discuss Indian Affairs, even historically, without repeating some of the things that Mr. Montgomery stated to the court.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Go ahead and tell us the story and we shall see.

Mrs. WORTHINGTON: Thank you. I feel a little like King Edward VII who read the speech from the throne at the opening of the house at Westminster on one occasion, and said: "Not only do I have to wear a 35 pound crown, but I also have to read someone else's speech." Well, I may be wearing this crown symbolically, but I cannot make Mr. Montgomery's speech for him.

However, for some years I have been a student of Indian Affairs, and it happened that the colonial period fascinated me. Yesterday evening Mr. Montgomery telephoned to me and said that he could not possibly be down here, and could I please come in his stead. He said: you are familiar with the material in the books and probably you can recite the historical background which would be of some assistance to the committee.

If it is your wish to spend this much time listening to a lesson in history, I shall be most happy to give it. Quite frankly, that is almost all I have to say. What do you wish?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I understand the committee would be very interested in what you have to say, Mrs. Worthington.

Mrs. WORTHINGTON: The original problem of the Indians began with the arrival of the first white man, that is to say, with the arrival of the Dutch. We find from the very beginning of the recorded history of Indians of North America that the Dutch were under no misapprehension as to whose land it was and how it was owned.

I shall quote from O'Callaghan's documents relating to the colonial history of New York, in 17 volumes.

In volume 1 thereof there is a letter of Jonas Michaelius which refers to the purchase of land from the Mohawks of the Island of Manhatas.

In volume 2 there is a letter which states as follows:

We have transported ourselves hither at our own costs, and many of us have purchased our lands from the Indians, the right owners thereof. And by lawful title purchased from the natives, right owners and proprietors of those lands.

This has been prepared since four o'clock yesterday afternoon.

In John Heckewelder's book "History, Manners and Customs of the Indian Nations" first published in March 1818, and reprinted in volume 12 of the Pennsylvania Historical Society, 1876, there is this quotation:

If we ought or wish to know the history of those nations from whom we have obtained our country, we must also be informed of the means whereby it fell into our hands.

Later he said:

They (the Delawares) cannot conceive how the English could turn from the people by whom they had been so kindly received and welcomed with open arms: from those who have permitted them to sit down upon their lands in peace and without fear of being molested by them.

Now the question arises as to what kind of people they were and what was the nature or the structure of government which gave them cause to claim sovereignty over the lands which they occupied. To many of us it will come as



a great surprise—it certainly did to me—to discover how intricate and complex was the Indian constitution. A great deal has been written about it.

Anything I say today, with the exception of that quotation about the Delawares, will have to do with the Six Nations of the Iroquois. It was Five Nations originally, the Mohawks, the Oneidas, the Onondagas, the Senecas, and the Cayugas. But when the Tuscaroras joined then, it became known as the Six Nations. And as regards to sovereignty, there is no doubt that they exercised the right of sovereignty over this country. They also had a body of law.

A statement is made at page 329 of Heckewelder's book which reads as follows:

The Indians have no written constitutions or laws but they have usages founded on the most strict principles of equity and justice. Murder is punished with death. Thieves are compelled to restore what they have stolen or to make satisfactory amends to the injured party. An habitual thief may be put to death.

And so on.

There is included an account of conferences held and treaties made between Major-General Sir William Johnson, and the Chief Sachem and warriors of the Indian Nations of North America meeting in the county of Albany in the Colony of New York in the year 1755-56. This was printed in London in 1756.

The authority of their sachems who govern all public affairs as well as that of their leaders and captains consists wholly and is only obtained by the good opinion the nations have of the wisdom and integrity of the former, and of the courage and conduct of the latter.

Every unworthy action is unavoidably attended with the forfeiture of their commission for their authority is only the esteem of the people and ceases the moment the esteem is lost. Here we see the natural origin of all power and authority among a free people; and whatever artificial power or sovereignty any man may have acquired by the laws and constitution of a country, his real power will be ever much greater or less in proportion to the esteem the people have of it.

There seems to be no mention of treating with the Indians except for the purchase of lands, or for fur trade in beaver skins. There was a succession of land purchases and concessions both by individuals and the Dutch West India Company. The monopoly was granted in lands and fur trade by the Dutch king and queen without extinguishing any previous Indian claim by right of discovery by Henry Hudson, in 1609. The cessions by the Indians are referred to but their direct terms are not given and were probably verbal.

The question then arises, further I believe in the same vein, as to the Indian concept of land tenure. We know that the Indians surrendered their lands to the whites. As a matter of fact in the Dominion of Canada here from the Atlantic coast to the province of British Columbia formal treaties of surrender were taken to almost all the lands now occupied by us. This certainly assumes, and as is stated many times in the books, that there was a valid Indian title which had to be extinguished before the whites could take over.

With respect to the Indian concept of land tenure, it is quite interesting to note that it was quite a different thing from the ownership of land today. This was not a European idea. This was peculiarly an Indian concept.

With respect to the doctrine of Indian right to occupancy and possession of land, the American Indian had no conception of private and exclusive individual ownership of land, but understood only the tenure of land for perpetual use and occupancy of the tribe as tenants in common. Indians had no conception of land as merchandisable. Although an individual or a tribe could



sell whatever user rights it had in the land, it could not sell the right to use or occupy lands possessed by other tribes or bands or individuals, or the right of users of succeeding generations of the tribe.

The reference is to Grinnell in the *American Anthropologist*, Volume 1 Number 9, which similarly states that an individual can barter away his personal rights but cannot alienate the land because the sole ownership of it is not invested in an individual.

The tribe are tenants and in a sense trustees. The Indians may have granted loans to the whites. They possibly granted rights to pass overland, to lend the whites use of land, the right to cultivate it, to use its waters, animals, birds, fish, but with the expectation that at the end of the loan the whites would return the land, the waters, and that the animals, fish and birds would be replenished, the scars healed. The reference is to page 4 Grinnell, in the *American Anthropologist*, Volume 1, Number 9, This is a Smithsonian publication.

Similar was the Indian concept of the role of the earth as mother. The Indians conceived of the earth as mother, and as mother providing food for her children. In the primitive and religious sense land was not regarded as property. It was like the air—something necessary to the life of the race not to be appropriated by any individual or group to the exclusion of others. There are authorities which I have listed here.

With respect to the law regarding territories ceded to or conquered by the United States, this is also quoted in the same relationship.

When a nation acquires new territory by cession or conquest, the public law or political law of the acquired territory is changed, but not the private or municipal law: and to the same effect with regard to property rights: and quoting again re the constitution, volume 19, page 112, 116, and 138; and also volume 43, page 453, regarding the strength of the Six Nations:

Around the great council fire of the league of the Iroquois at Onondaga with punctilious observance of parliamentary proprieties recognized in Indian diplomacy and statecraft and with a decorum that would add grace to many legislative assemblies of western land, the Federal senators of the Indian tribes devised plans, formulated policies, defined principles of government and political action which not only strengthened their state and promoted their common welfare, but also deeply affected contemporary history of the whites in North America.

The constitution of the Six Nations consists of customs and procedures rather than any body of codified law. In 1907 John Hewett collected texts embodying the basic principles and the civil and political structure and organization of the Iroquois league, and data relating thereto. The reference is to report number 28, page 14. Thirteen titles follow, including all of his Six Nations published research.

Also, Dr. John Noon has written a book entitled *The Law and Government of the Grand River Iroquois*. It is from the *American Anthropological series* number 9, and from the Wenner-Gren Foundation, 72nd Street, New York City. This gives the whole body of customs and practice of the Grand River Indians.

To a sociologist, the Grand River Iroquois present one of the most interesting groups of people to be found in the whole world, because from year to year and from generation to generation for at least 400 years these councils functioned and handled problems having to do with citizenship, with taxation, with health, with local law and order, although generally that was left to the discretion of the police force of the district outside the Grand River reserve. But this book especially authenticates the position that these councils achieved, certainly in the field of municipal government. And this is a position I think which most scholars will support.

I discussed this problem with a friend, the curator at the Albany museum. He is one of the great specialists in Indian law, and he agreed with me. And I had frequent discussions with Dr. John Noon on the subject in Washington. Both these men are employees of the federal government of the United States and they find it completely impossible, unless especially requested, to discuss this matter officially at government level.

On the other hand they both state that the Indians commonwealth was a very real entity, and that there had been a pressing movement which had manifested itself not only in New York but also in the Grand River as well as in the west, as a rise of Indian nationalism.

In repeating what they said, I must say that they opened my eyes enormously. And in the studies we had and in the discussions of this matter, it never occurred to me that today in Canada we have a minority group who were here before we came, and from whom we have more or less taken over; a minority group which is probably just as eligible to the protection of international law from the time of their being taken over as any minority group, be they in South Africa, India, or anywhere else.

This put us into an extremely interesting scholarship position, because there has been very little work done which would make this relationship clearly understood among scholars. I was at the time studying a problem, but I was not in the slightest degree interested in this particular problem, and this really is not applicable, I feel, to the case before the court. It just happened to be known to a certain little group of scholars to whom I have had access during the last few years when I have been studying public law and government at the School of Graduate Studies at Columbia University.

I think it was 1664 that the English conquered the Dutch and assumed their relation with the Indians; and a record in New York states that they fell heir to the negotiations between the Indians and the Dutch, and they negotiated treaties, and the Indians gave the English protection from the French. That gives you some idea of the extreme importance of this group of Indians to the settlers of North America. Because if the French had been able to get the Iroquois as allies, no doubt they would have been able possibly to have held a greater proportion of the North American continent. So that position as between the English at Albany and the French at Quebec was a key situation to the result of the Seven Years War.

However, in 1701 the treaty was signed.

I refer you to the Indian concept of help when they deeded this great tract to His Majesty the King of England.

We surrender all claim to this vast tract of land all which was formerly possessed by the seven nations of Indians called the Aragaritha whom by a fair war we subdued and drove from thence four score years years ago—and by this and their adoption into our people we became the true owners of the same by conquest.

I am reading this to show the Indians did conquer by conquest.

It is hereby expected that we are to have free hunting for us and for our heirs and descendants from us, the Five Nations forever and that free of all disturbances, expecting to be protected therein by the crown of England.

That is one of the parts of the Nanfan treaty in 1701, when the Indians on one side delivered it up to the throne on the other side, and expected to be able to hunt thereon for the rest of time, showing how little they understood the nature of the invasion which was coming at them from the east coast.

During the seven years war the Iroquois, of course, fought very bravely and loyally with the English. At the close of the seven years war there was

the declaration by George III which stated we were to remain in possession of all their lands with the exception of the province of Quebec and east and west Florida.

Now I have here a list of the materials which Mr. Montgomery submitted to Mr. Justice King, to assist him. The declaration of George III is on that, and I merely intended to mention it.

Similarly, the Haldimand deed is mentioned in 1884, and the Simcoe deed in 1793. There is a letter from Haldimand to Lord North in November of 1783, and a dispatch later in 1860. These are materials since in the hands of the court, and I do not intend to do any more than mention them in this way.

Sir Guy Carleton, who was governor of Quebec, set up their first Indian department. He was appointing a gentleman named Major Campbell, who was to become, really, an Indian commissioner. This is the statement from his letter, and the letter was dated February 4, 1775—and this is previous to the war of American independence. The statement says:

Sir William Johnson was considered as having the political concerns of the Indians under his immediate direction (the same being presumed transferred to his nephew, Sir Guy Johnson), with which I have never interfered with further than their commercial interests for the private property they have in this country required. And upon this principle Major Campbell's commission was granted.

Later there was a discussion of efforts to induce all Indians remaining friendly to Britain to remove to Canada—in instructions to Sir Guy Carleton of 1786. These instructions say that compensation will be paid to Indians for losses sustained in the revolution, that they would be paid.

Now the Haldimand treaty to which I referred briefly, was the instrument whereby the Iroquois took up the Grand river land. The Simcoe deed in 1793 reiterated this same grant and modified it slightly, perhaps. The case which has some bearing on this historical account which I am giving you is the Cayuga arbitration case, and this is a statement from it:

A claim for perpetual annuities which were payable under agreements concluded respectively in 1789, 1790 and 1795 between the state of New York and Cayuga nation of Indians, and which were alleged to have been withheld from members of the tribe who migrated to Canada and improperly paid to those members of the tribe who remained in the United States.

This is, of course, a problem of loyalty, and that is when our group of Six Nations migrated to Canada, to live under the English crown in preference to remaining in the United States and remaining Americans. This group of Indians is the first of the United Empire Loyalists, and because of their loyalty they came to Grand river. This is where a considerable portion of the substantial Indian population of southern Ontario happened to come. At the Cayuga claim the Cayuga portion of the Six Nations were paid their share of the annuities in relation to land in New York state, 10 miles by 10 miles. They were paid their share across the border up to the time of the war of 1812, and that is what caused the war, the abrogation of the treaty which had given special protection to the Indians. At that time the Cayuga nation in the United States continued to receive this claim, but the Cayuga part in Canada did not.

To get an idea as to the time it takes to settle some of these claims, the first case was brought in 1824, and the arbitration was settled by the British-American claims commission in 1926. It required 102 years for this group of Cayuga Indians to receive their share of moneys which were legally theirs.

So you can see here there is a difficulty in the speed with which recourse to the courts or recourse to arbitration has produced any real results.

At that time \$100,000 were paid into the courts to be paid to the Cayugas down on our Six Nations reserve, without interest. Had interest been added at a rate per annum for that time it would have been a very tidy sum—if they had received \$100,000 and interest for that. They are supposed to be receiving that, to their benefit, to this day.

The basis on which this settlement was made I think is quite interesting. That statement comes from Fred K. Nielsen, who was the American arbitrator in the American and British claims arbitration. This is from his report. He said:

These Indians are British nationals. They are settled in Canada under the protection of Great Britain and subsequently of the Dominion of Canada . . . There was no definite political constitution of the Cayuga nation and it is impossible to say with legal precision just what would constitute the migration of the nation as a legal and political entity.

Chief Justice Marshall—he was the famous chief justice of America—said in this regard:

The American Indian's legal position is an anomaly before the courts.

This case was begun shortly after the treaty of Ghent in 1814, and was pressed by the chiefs who appeared before the New York authorities repeatedly, from generation to generation, for over 100 years before the case was finally settled in 1926. It demonstrates the type of persistence which is necessary and finally productive of settlement in Indian claims.

As stated in the presentation of the case, they rested the case on the fact the Indians who had moved to Canada did have autonomy over their own affairs and, therefore did constitute a political entity and, therefore, could receive this money legally.

The anomalous position of the Indians before the law is granted. However, the extent to which they are subject to restraints and qualified control in their national capacity is stated as being "to the extent considered by the whites as indispensable to their own safety and requisite to the due discharge of the duty of protection".

The history of the Indians in Canadian affairs from that time on is one series after another of greater and greater assumption of authority by the federal government.

We have the first Indian act, I believe, in 1859 which was set up—I am afraid I have not got it, but it was named as an act respecting civilization and enfranchisement of certain Indians. It is in the consolidated statutes of the province of Canada, 1859, chapter 9. That is the part that has to do with our civil rights, and I am just going to refer that to you because I do not think that is within my province.

At the time of confederation the British government transferred specifically its rights, its interest in Indian affairs to the dominion government; and the group from the Six Nations took a deputation to Westminster, I believe, in 1930. The parliamentary committee which was set up to study the problem made exactly that remark, that they had no interest in it because it was transferred to the dominion of Canada by the act of confederation. Specifically, it rests within the federal jurisdiction.

There is a very interesting point which I think I can bring before you, which I shall be quite happy to be corrected about if it is not so, because it



has not appeared in any court case whatsoever or even been referred to before. But there is the question as to exactly what was transferred. The British North America Act, section 129, exempts from both federal and provincial alteration the body of non-criminal law—criminal law coming under its own section—received from Great Britain until 1867.

That is a quotation from the section of the British North America Act.

Following this argument, and under this law, there is a question as to whether civil rights held by Indians in 1867 could be abridged or abrogated at any later time.

Mr. Justice Abbott made a very interesting comment, an obiter dictum. I can give you the reference to that later in *Switzman versus Ebbling*, which was over-ruling the padlock law. It was an act respecting communistic propaganda, Royal Statutes of Quebec, 1941, chapter 52.

By the decision of March 8, 1957—and I refer you to the Supreme Court Reports (1957) pages 258 to 328—Mr. Justice Abbott stated this principle that civil rights—and the right we were discussing at that time was the right to meet and the right to dispute—civil rights could not be altered as they had been at the time of confederation in 1867.

There is very little doubt as to what the civil rights of the Six Nations Indians were at that time.

Also that Statutes of Canada 14-15 Victoria, chapter 175,—The rights granted by the act of 1851—"The free exercise and enjoyment of religious profession and worship, without discrimination or preference, so far as the same be not made an excuse for act of licentiousness or a justification for practices inconsistent with the peace and safety of the province, is by the constitution and laws of this province allowed to all Her Majesty's subjects within the same".

This seems to come under the category of section 129 of the British North America Act of 1867.

If I may refer to this disputatious case, regarding the position of the wampum, which is, in itself, a religious symbol: to quote very quickly, the wampum was held up over the council table and all who carried on discussions were first counselled to look at the wampum, think, and do what was right as would be dictated to them by the great spirit under the pledge of this wampum. I wish to say that right was interfered with; that is a matter of history.

It could be held—and this is rather more difficult to point out without going further—but I wonder if the experience in the United States might be of some assistance to us. We do not need to look across the border for solutions to our own particular problems which are more peculiarly ours.

I wish to state that Canada has every right to be a great deal prouder of the treatment of Indians than the United States could have, because the policies regarding them is quite in contrast with the early French policies of preserving the Indians and making them wards of the church and of saving their souls, and such.

One of our more pleasant chapters in history is the early treatment in Canada of Indians, which contrasts rather well with what went on south of the border. I could support all that with a quotation, perhaps, if it is necessary. But, nevertheless, in the *Encyclopedia Britannica*, in the article on the Indians of North American, volume 12 of the 1954 edition at page 207 we have this little write-up. It seems to me to summarize rather generally, almost, the whole problem.

The Indian problem began, generally, with the coming of the Spanish, whose record of abolishing the aborigines is one of the most shuddering and dreadful classic examples of brutality and greed. This is changed, however, by one of the Spanish theologians, Francisco de Vitoria; and we got, from those very first years, this problem of how to settle the civil rights of the aborigines.



His electors voiced in 1533 at the University of Salamanca the humanistic view of conquest. This is a very long while ago, and perhaps it does not seem to have anything to do with us today, but nevertheless I found this very helpful.

His lectures, voiced in 1539 at the University of Salamanca voiced the humanistic view of conquest and the rights of subject peoples which in time became the prevailing view in international law. His views were reflected in the promulgation of the Law of the Indies in 1542 which decreed:

1. that Indians are free peoples;
2. are not to be taken as slaves;
3. that disputes among them should be settled according to their own customs;
4. property should not be taken from them except in fair trade.

Two limitations must be imposed on the Spanish administration.

1. it is to be temporary until Indians were capable of governing themselves.
2. The administrator must work not for his own profit but for the welfare of the Indians.

This is essence could be the justification given by the modern administrator of Indian Affairs.

It does not detract from the importance of Vitoria's utterances to remark that Spain in pursuing its colonial aims ignored him and the Laws of the Indies as well. Reformers such as Bartolome de las Casas made the world aware of the wrongs visited upon the Indians.

The moral views of such men as Vitoria in the Spanish world and William Penn and others in the English sphere were the safeguards which in time brought public policy to erect barriers against racial injustice.

And then from page 209:

The courts of the United States consistently upheld the sanctity of treaties made with Indian tribes, and with equal justice the courts also held that property may not be taken from Indians whether or not a treaty exists, "except in fair trade", as Vitoria had maintained in 1539. The latter contention was offered by the Walapai Indians against the Sante Fe railroad.

And this was very interesting—

The company was required by the courts in 1944 to relinquish about 500,000 acres which it thought had been granted to it by the United States. The lands had been occupied from time immemorial by the Indians, without benefit of treaty recognition, and the Supreme Court held that, if the occupancy could be proved, as it subsequently was, the Indians were entitled to have their lands restored. In 1950 the Ute Indians of Utah and Colorado were awarded a judgment against the United States of \$31,750,000 for lands taken without adequate compensation where the land had previously been recognized and defined in a treaty.

Indian tribes were long precluded from bringing action against the United States unless congress approved in a special jurisdictional act. This procedure resulted in so burdening the Indian affairs committees of house and senate with requests for separate bills, some of which remained on legislative calendars year after year, that a special

Indian claims commission was created by the act of August 13, 1946. This legislation provided that all tribes must file their petitions within five years, and the commission must reach a finding on all cases filed with it in another five-year period.

I bring that to your attention, simply to make the suggestion it might be helpful; and not to point us exactly in the right way. But I believe I would be in order if I could find the brief that Mr. Montgomery brought down, to refer to his final two recommendations. Mr. Montgomery's recommendations are these:

It is submitted that this is a fit and proper case—

No, I cannot read that.

Dr. OLLIVIER: Yes, you can; go ahead.

Mrs. WORTHINGTON:

It is submitted that this is a fit and proper case where the people of the Six Nations should have been consulted before this action was taken. At this stage it is strongly recommended that a royal commission fully investigate this urgent situation.

I also have the minutes of the Indian Affairs committee of 1951, where Mr. Walter Harris made some statements regarding the access of Indians to the law, in which he states:

We also found the difficulty that faced an Indian or band council in enforcing their rights was largely one of money. The difficulty was further enhanced by the fact the band council cannot use its moneys to finance a lawsuit and they take up collections among the members to see that one who commences an action should have fees and expenses. We have provided in the bill an omnibus clause whereby the band council can spend its moneys for anything that will be in the interests and for the benefit of the band. That clause, which was not in the old act, may permit the expenditure of band funds for lawsuits, should they be for the purpose of enforcing rights the band feels are being abrogated.

Mr. Harris was of the opinion that Indians should be able to finance their own lawsuits. He goes on to say:

I know there is an opinion on the other side, and the committee recommended we should appoint something in the nature of a claims commission and invite witnesses to argue before it whether this or that treaty had been violated, and make an effort to assess damages and so on. However, we have courts in Canada for that purpose and our courts are specially trained to make decisions with respect to legal points and the assessment of damages should they be called for.

Under those conditions we feel the Indian should be encouraged to sue the government if he feels he has been ill treated but that he should sue the government through the normal courts, because it is our desire that he should become acquainted with all our practices, even that of having lawsuits, and he should integrate himself into our community at least to that extent.

I wish to point out that the basis for the case which was brought by the Six Nations is therein stated as being the policy of government of 1951. I would also like to state that Mr. Montgomery is not paid one cent for the

work he has done. I, myself, of course, am completely voluntary. There is no organization and absolutely no funds available for an Indian band, other than their own funds—which are meagre enough—with which they can fight an action which goes eventually to the Supreme Court of Canada. I am not referring to that particular action.

You have been very patient with this long and somewhat wordy lesson. If anything in it gives any of you a new look at the problem, I shall feel that my trip here today has been extremely worth while. Thank you very much.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Thank you very much. Have you any questions you would like to ask Mr. Smith or, I assume, any of the other delegates or witnesses?

Mr. SMITH: Would it be possible to appear at a later date, when we can go into this discussion fully and cover the whole thing? That would be the most satisfactory way.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): It is up to the committee.

Dr. OLLIVIER: I think the problem is that one does not know when the decision will be rendered. I understand it is in the week of July 5, but it might be on the 11th,—and you do not intend to hear any more witnesses, after July 10.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): We are not hearing any more witnesses at this session after July 10.

Dr. OLLIVIER: The decision might not have been rendered by that time.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Our days are pretty well filled up until then. It is possible that this committee—although I cannot say definitely; it is up to the House of Commons whether this committee is re-constituted again for next session—will be sitting next session. We hope that it will and I am fairly satisfied, personally, that it will be, and you will have another opportunity.

It is up to the committee. If you want to question Mr. Smith on some things that are outside the court, that is perfectly all right. If Mr. Smith feels that he does not want to be subjected to questioning under the circumstances existing, then it is up to the committee to decide what they want to do.

Mr. FRASER: Would it not be wise, when we make our recommendation, to suggest that those who have not been heard this session be heard early next session? Could we not make that suggestion? We cannot give a decision now anyhow.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): We could do that when we make our report to the House of Commons, of course.

Mr. FRASER: Why not leave that to the steering committee?

Mr. HOWARD: Mr. Chairman, if I could just express an opinion: I think it may be pretty futile to go into any questioning now, especially when the delegation, because of coincidences of the court, are not fully able to present their arguments or ideas. I would certainly be in favour of another opportunity being given to the delegation of the Six nations Confederacy appearing again before the committee when this question is not sub judice. Whether that is this session, or next session, is pretty indefinite. But I think it would rather have to be next session, in view of our list of other delegations to appear. I am not trying to say we should continue to put them off, but we have a time limitation up to the House proroguing, and we do not function as a Committee way beyond that.

I think we could approach it in that way. We will recommend that the committee be set up again next session, and I do not think there will be any argument about the establishment of the committee. But it would be my view

that we should proceed on that basis and give an indication to these gentlemen and Mrs. Worthington that we are quite prepared to hear them again when all these other difficulties are out of the way.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Certainly there is no suggestion from this committee—I think I can speak on its behalf—that we want in any way to eliminate the discussion, Mr. Smith. I am sure you appreciate that.

Mr. SMITH: Yes, I understand.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): But under the peculiar circumstances at the moment, we are somewhat limited. If you would rather not submit to questioning now, the view of this committee is that you be asked to come back again after the court judgment has been given, and I am sure that would be all right. But, as I say, it is in the hands of the committee.

Mr. HARDIE: Mr. Chairman, I wonder if Mr. Smith has any other points to bring up in his brief, because our terms of reference are fairly wide. In the terms of reference it is suggested we investigate and report upon Indian administration in general, and in particular—and this is the part I am interested in—"on the social and economic status of Indians".

I am wondering if Mr. Smith has anything in his brief in this regard. If so, could we go ahead with that at this time?

Mr. SMITH: You mean, in relation to amendments to the Indian Act?

Mr. HARDIE: Either that, or in the administration of the Indian Act.

Mr. SMITH: No, we have no suggestions in relation to the Indian Act.

Mr. HARDIE: In this regard?

Mr. SMITH: No, in this regard.

Mr. HARDIE: You have no suggestions to make as to the social and economic status of your people?

Mr. SMITH: We have—on a different basis; but not in relation to the Indian Act.

Mr. HARDIE: This is very general—you can be very general about the whole thing. It does not have to deal precisely with the Indian Act. These are pretty general terms of reference and I think that in these letters to the Indians, Mr. Chairman, it should be pointed out that the committee is here to study all these matters and that they will be given latitude in their briefs.

I felt yesterday, as a matter of fact,—when the other group presented their brief—that they were dealing strictly with amendments to the act—I am not sure with regard to the Six Nations, but I am sure in other parts of Canada, and at least from the part of the country I represent, the Indians are going to have a great deal to say about the administration of Indian affairs and, in particular, the social and economic status of the Indian.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): It is perfectly all right for Mr. Smith to go ahead and suggest changes in the existing act, or make any suggestions as far as the social and economic welfare of the Indians is concerned. I am not ruling against that in any way.

Mr. HARDIE: When you write to these groups of Indians and invite them to make representations, do you make it plain to them that they can discuss any matter concerning Indian affairs?

Mr. SMITH: Not with us—not the information that we received. It was just a telegram that there were amendments to the Indian Act coming up.

Mr. SMALL: Is not the question that you have the case before the court, and that is the reason you do not want to discuss it—because it is a constitutional point?

Mr. SMITH: Yes; we would prefer not to discuss it.



Mr. SMALL: You question our right to do so; is that not the stand you are taking?

Mr. SMITH: Partly because the question of constitutionality is involved in the case.

Mr. HARDIE: That is not my point. I feel we are sticking to this one thing, and there are many other things these people would like to discuss and which I am sure the committee would like to hear.

Mr. SMALL: I do not think they want to proceed with that.

Dr. OLLIVIER: I think the difficulty is because they want to discuss the constitutionality of the act more than the amendments to the act themselves. If the act is not valid, they are not going to suggest amendments.

Mr. BARRINGTON: Apart from the act completely, the over-all picture of the Indians' outlook on the way they are being treated economically, and everything else—we can hear that, can we not?

Mr. FRASER: They do not want to.

Mr. SMITH: We would prefer to wait until the question can be taken up in court. It is much more suitable to consider it at that time, because if we discuss it in parts, you may accept that as a representation from us at some future time, and we want to make a complete and full representation when we do so. We will cover these points.

Senator FERGUSON: Mr. Chairman, I think we should give the witnesses that are here today every opportunity to come back and present their case when they feel more free. They feel the constitutionality of the act is basic, and if that is not settled, they are not in a position to talk at all. If it is decided one way, they might have one kind of argument; if it is decided another way, they might have a different one. I, for my part, see their point. They do not wish to discuss it, in the circumstances, and I think that, as far as we are able, we should assure them of an opportunity to be heard again.

Mr. HOWARD: Mr. Chairman, would you desire to have a motion, so the committee could decide that now?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I do not think it is necessary to decide it now. It is not within the purview of this committee, though, to say that we are going to have a sitting next session—it is up to Parliament to say.

Chief EMERSON HILL: I would like to ask a question. Regardless of which way the court decision goes, is it still possible to come back here?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Oh, yes.

Chief EMERSON HILL: When the decision is rendered?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Yes, of course.

Mr. HOWARD: Yes—but we cannot guarantee it will be next session, that is all.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): The court decision will have no effect, actually, on the sittings of this committee. It is within the right of Parliament only to say whether we will sit next session or not. We cannot decide that.

Dr. OLLIVIER: You can recommend.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): We can recommend, yes; but we cannot decide. It is up to the Houses at the beginning of next session to decide whether or not—even if we do make a recommendation to sit—that recommendation will be accepted. So we cannot guarantee that we will be sitting next session—but we expect that we will.



Mr. HARDIE: On a point of order, Mr. Chairman: I wonder if the wire that has been sent to the Indian organizations across Canada is available to the committee right now? I wonder if it could be read to the committee?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): The Clerk can read the wire that was sent to the various delegates.

The CLERK: This is the telegram:

Joseph Logan, Esq., Sr.,  
Six Nations Confederacy,  
Ohsweken, Ontario.  
Via Brantford.

The joint committee on Indian affairs is now preparing its agenda and would like to know if your organization wishes to be heard and the earliest possible date when your representative could appear before the committee. Stop. When your reply is received it will be considered and you will be further advised as to arrangements. Stop. wire reply.

Mr. MARTEL: But you are referring to the other wires sent?

Mr. HARDIE: No, I think the same wire would be sent. But I am wondering if in future, when you are asking these people to present briefs to this committee, you would outline to them in a letter the terms of reference under which this committee is operating, so that they will know everything that can be discussed.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Ordinarily, Mr. Hardie, anything can be discussed.

Mr. HARDIE: Ordinarily, yes; but I am sure that in my own riding, if the Indians I am representing received that wire they would not know where to start.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): It is just these peculiar circumstances today that have made it necessary to restrict the committee on that particular point. It is unfortunate, but it is the case; and there is nothing we can do about it.

Mr. HOWARD: I think what Mr. Hardie is getting at is something a little bit different to that. His reference—as I understand it: I do not recall the exact words—was to the general economic welfare of Indians, or words to that effect, which were contained in the motion which the House passed prior to setting the committee up. I think what Mr. Howard is getting at is that we should indicate to people who want to appear before the committee—and especially to the Indian bands, councils and organizations—that we are concerned with the question of what ideas the Indian people have in so far as their general economic advancement is concerned, to give a lead to them that we are interested in that sort of thing. Otherwise, without that lead, and not thinking too much in abstract terms, they may come here just purely concerned with specific amendments to the act, rather than some general, broad approach that they can take in so far as their welfare and economic advancement is concerned.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I would think that would be assumed, but it may be better to set it out in a little more detail in a letter, if that is the wish of the committee. If you think that should be done, then it will be done.

Mr. HARDIE: Yes.

The **JOINT CHAIRMAN** (*Senator Gladstone*): For the information of the committee, in most provinces they have Indian organizations—in some places, two. They gather, as a province, whether they all send delegates or not. Most of them send some delegates.

As far as Alberta is concerned, we have gone as far north as Fort Vermilion. That is not so very far from the northern border of Saskatchewan. Saskatchewan had a meeting last fall, and only two reserves were not represented by their chiefs; that is, it was Qu'Appelle. I know that Manitoba is preparing a brief.

Mr. **HARDIE**: We have had two briefs presented, yesterday and today. Yesterday the brief of the Six nations council dealt specifically with amendments to the Indian Act only—nothing else. Today the Confederacy has presented a brief dealing with one matter only. I think that it should be made clear to these people that they can discuss in this committee anything and everything they want to discuss that comes under the administration of Indian affairs.

I repeat this again—in particular—these are the words in our terms of reference, and I pay particular attention to them, "...on the social and economic status of the Indian".

If this committee is going to come out with any sort of report, I feel that we have to know—from the Indians themselves—what they think of the treatment they are getting, what suggestions they can make to help in their social and economic development, and I think the committee would be very interested in hearing these things. I, myself, am very interested in the social and economic status of the Indian and the development of the Indian—along those lines. Those are the things I want to hear, particularly, from the Indian.

The **ACTING JOINT CHAIRMAN**: I am sure that is what the committee was set up for: that is what we are all interested in.

Mr. **HARDIE**: But we have had two briefs in two days, and I am sure that if these people had understood that any subject concerning Indian affairs could be brought before this committee, the briefs would have been entirely different. They would have covered the whole field, or a much greater portion of the field than they have covered during the past two days.

Mr. **THOMAS**: Mr. Chairman, why could not Mr. Hardie draw from the Indians who are here the information that he desires? I think it is up to the committee members. If they feel certain information is required on the record, then I think it is up to the committee members to see that that information is on the record. We have the Indians here: why not ask them the questions concerning education or their economic and social well-being?

Mr. **HARDIE**: Mr. Smith has told us that he is not prepared to go ahead today along those lines. He has said he would rather do this at a subsequent meeting. Today he is presenting a specific problem and at other meetings he would possibly be asked to present the Indians' views on other problems, and I am sure the committee will not be able to have these delegations coming back on numerous occasions.

I suggest that when the Indians do come, that they present comprehensive briefs on all their problems. If they need more delegates to present these views, let us consider extending the powers to, say, four or five delegates, instead of two—if necessary.

Mr. **MARTEL**: Was an invitation sent to every tribe in Canada, or just to the ones listed in the second meeting here, to appear before this committee?

The **ACTING JOINT CHAIRMAN** (*Mr. Charlton*): No, there were only invitations sent to those—in view of the fact that we are only sitting for a short

time this session—who had asked when they could come and who stated they could come before the conclusion of this session. They were the only ones who were contacted.

Mr. MARTEL: That does not prevent us from calling other groups, if we are permitted?

The ACTING JOINT CHAIRMAN (Mr. Charlton): Not at all; of course not.

Mr. THOMAS: Are we free to ask questions, Mr. Chairman?

The ACTING JOINT CHAIRMAN (Mr. Charlton): You are perfectly free to do so. I have said it on more than one occasion—you are at liberty to ask any question that comes within the purview of the terms of reference, outside of those which would be *sub judice*.

Mr. THOMAS: I would ask to do that.

The ACTING JOINT CHAIRMAN (Mr. Charlton): If Mr. Smith wants to submit to questions.

Mr. THOMAS: Providing Mr. Smith is willing.

The ACTING JOINT CHAIRMAN (Mr. Charlton): Surely.

Mr. THOMAS: I would like to ask Mr. Smith if the Six nations Confederacy is satisfied with the educational facilities on the Six nations reserve?

Mr. SMITH: Well, there has been tremendous advancement in the last few years in education. But the results obtained could be a lot greater than they are.

Senator HORNER: Where does the fault lie?

Mr. SMITH: People are poor and they cannot continue on with school. They are only assisted so far. It is only recently they have got any Indians to speak up for going to high school. Prior to the last few years they just entered public schools—with the exception of a few.

Mr. THOMAS: Do they all have access to public school; all their children can go to public school?

Mr. SMITH: Yes.

Mr. THOMAS: Can all the children attend high school if they wish?

Mr. SMITH: They run three buses in from the reservation to high school now.

Mr. THOMAS: That is enough to carry all the children?

Mr. SMITH: It is, at the present time. But, beyond high school, we are turning out very few practical, good professionals, and some of the most brilliant people that you have in the country—

Mr. THOMAS: Why?

Mr. SMITH: They have no means of going on.

Mr. THOMAS: Why do they not go on to high school?

Mr. SMITH: They have not the means to go on to university and things like that.

Mr. THOMAS: They have the means to get to high school—is there anything standing in the way of that?

Mr. SMITH: Yes, they have the means, practically, now to go to high school. That is a recent thing.

Mr. THOMAS: Everyone who wishes to can go to high school?

Mr. SMITH: Practically, yes.

Mr. THOMAS: They go?

Mr. SMITH: Yes, I would say so.

Mr. THOMAS: What about universities?

Mr. SMITH: Very few.

Senator FERGUSON: Are there any scholarships available to them to go to university?

Mr. SMITH: We had a boy who won a scholarship this year—two scholarships, to Toronto. But there are not enough scholarships available, and they have no means to go on by themselves.

Mr. THOMAS: Are any of the Indian boys and girls receiving professional education—that is, such as education in business training—in high school, learning to type, learning to take shorthand?

Mr. SMITH: Yes.

Mr. THOMAS: Are they doing all right there?

Mr. SMITH: Fine.

Mr. THOMAS: Have any of them been given jobs on the reservation?

Mr. SMITH: Very few on the reservation, and they have difficulty getting jobs in the surrounding cities; most of them have to go to American cities.

Mr. THOMAS: Are there any Indians working on the reserve at the present time?

Mr. SMITH: Very few. There are some nurses.

Mr. THOMAS: There are some?

Mr. SMITH: Yes.

Mr. HARDIE: What could they work at if they did not work on the reserve?

Mr. SMALL: I would like to read a paragraph under "scholarships" at page 25 of the department's review of activities, 1948-1958:

As an incentive to able students, a system of scholarships, established on a regional basis, was introduced in 1957. These scholarships, ranging in value from \$400 to \$1,000 according to the type of course chosen, are awarded to outstanding students for nursing, teacher training and technical, agricultural and university courses. In 1957 fourteen scholarships were awarded and in 1958 the number was fifteen. The scholarships are separate from other assistance granted Indian students which varies from payment of tuition fees to full maintenance.

I think this shows that there is ample room to take advantage of higher education.

Mr. SMITH: That is a start.

Mr. HARDIE: A student from the reserve with a scholarship of \$1,000 could not live on that amount in the city of Toronto while attending university.

Mr. SMALL: There are other things given to him besides this. There are other supplements.

Honourable Mrs. FAIRCLOUGH (*Superintendent General of Indian Affairs:*) In addition to the scholarship, the department also assists.

Mr. SMALL: Do not the provincial authorities give some assistance?

Mr. HARDIE: I think that every Indian student who has gone through the last year of high school and wants to continue on to university should be given that opportunity.

Mr. SMALL: I think there is a table here showing the numbers who continued on. However, it seems when they get near to finishing they do not do so and there are only a limited number who do finish.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): That is shown on page 24 of the yellow book. All members of the committee have this book. It gives the number.



Mr. MARTEL: They show the revised figures at the end.

Mr. THOMAS: May I ask if there are any teachers on the reserve who are Indians?

Mr. SMITH: Practically all are Indians teachers on the reserve.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): All!

Mr. SMITH: Yes, with the exception of one or two.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I understood they were all Indian teachers with the exception of one who was a white and married to an Indian.

Mr. SMITH: Yes, one or two.

Mr. THOMAS: Do you feel that the Indian boys and girls have as good a chance as the people living in the same area, that is outside the reservation, to get to university?

Mr. SMITH: Well, the only ones who have been able to go are the ones who win scholarships; the general run are not able to go.

Mr. THOMAS: Do you feel there should be more scholarships or more assistance?

Mr. SMITH: More assistance or something, because it is practically impossible for them to continue on to university without means.

Mr. THOMAS: Well, Mr. Chairman, I would like to ask questions in connection with another matter, social welfare. A year or two ago the matter was raised on the House of Commons concerning the social welfare payments to people living on Indian reserves. Are the rates for those who are unemployed and need help—so called welfare payments or relief payments—satisfactory in comparison to the payments made to the surrounding area?

Mr. SMITH: Well, I would not be able to answer that in full. Prior to last year I know they paid \$4 to \$8 a month for relief. However, in the last year they have raised that considerably. I know of cases now where \$55 a month has been drawn. That is a considerable jump from what they were getting.

Mr. THOMAS: You are not confusing that with old age assistance or old age security?

Mr. SMITH: No, that is relief.

Mr. THOMAS: So then you would say that there has been a considerable adjustment in these rates within the last year?

Mr. SMITH: Yes, that is correct.

Mr. THOMAS: Now, I have another question. What about agriculture on the reserve? Is the land being used for agricultural purposes?

Mr. SMITH: Very little.

Mr. THOMAS: Do you mean that some of the land that could be used for agricultural purposes is not being used as such?

Mr. SMITH: Yes.

Mr. THOMAS: Is it good land?

Mr. SMITH: Good land.

Mr. THOMAS: Well, what reasons could you give as to why this land is not being cultivated and used for agriculture?

Mr. SMITH: Well, there are several factors. One reason is that the life of a farmer is the life of drudgery. I know because I happen to be a farmer myself and I think the chairman can tell you that.

Senator HORNER: I do not consider it drudgery.

Mr. SMITH: They go off to the cities, work an eight-hour day, and make twice as much as they can farming. Another thing is the cost of the equipment that you have to have nowadays in order to farm. The cost of the equipment is more than the cost of the farm. They are unable to do that.

Mr. THOMAS: What would be the average size of a farm on the reserve; say, the average size of the land holding? Do you operate there under—what do you call it?

Mr. SMITH: They are instituting that system under the elected council, but the confederacy does not approve of that.

Mr. THOMAS: Well then, we will not go into that matter. What would be an average land holding on the reserve?

Mr. SMITH: From 50 to 100 acres is the average.

Mr. THOMAS: And would most of this land be cleared or just fields?

Mr. SMITH: A considerable amount of it is cleared but unworkable at the present time.

Mr. THOMAS: Would you say half?

Mr. SMITH: It would not be that much.

Mr. THOMAS: One-third?

Mr. SMITH: Less than one-quarter.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Mr. Thomas, are you referring to cleared land or land that is worked?

Mr. THOMAS: What percentage of the land is cleared and arable; we will say available for work, not arable, land which is not in timber, land which you can go in and work?

Mr. SMITH: That is not worked?

Mr. THOMAS: Yes.

Mr. SMITH: It would be less than one-quarter.

Mr. SMALL: The provincial government has made a study of this and it is found under "agriculture" on page 9 of their report—civil liberties and rights of Indians in Ontario:

The committee, in its visits to reserves throughout the province, was concerned to find the many thousands of acres—some of the best agricultural land anywhere—going to waste on Indian reserves. As an example, the Six Nations agency includes 43,000 acres in Tuscarora township and 8,000 acres in Haldimand county. This land lies along the Grand River in the heart of one of the richest farming districts in the province. The Indians of the Six Nations have long ago won and held the respect of the non-Indians through many fields of endeavour into which their men and women have gone. Yet, even on this reserve, among the most advanced Indians, there is only a small acreage under the plow.

And then it goes on to tell about the applied psychology in connection with the St. Regis Agency and the manner of training the Indian to get him accustomed to the farm and make it worth while. This is in the 1954 report.

Mr. HARDIE: Could Mr. Smith tell us why so much of this acreage that could be used for farming is not being used as such?

Senator HORNER: He just said he considered it a drudgery.

Mr. SMITH: It is easier to earn money working out. This started during the war when it was easy to get a job and you could work out. You could get a job any place. Some stayed out. Also, a lot of our people are professional iron workers and they make considerable money doing that.

Mr. THOMAS: May I ask if there are any now on the reserve who would like to take up agriculture, if they could?

Mr. SMITH: Well, I presume there would be some, but they have no opportunity because nowadays you have to have a tractor, a combine, a baler and everything else, and the cost of equipment is so tremendous that it would cost more than the farm.

Mr. THOMAS: Do you think it would be of assistance if the band or the Indian Affairs department kept a supply of machinery on the reserve for rent, which could be hired out on a sustenance basis? Would that do any good?

Mr. SMITH: I was a member of the elected council at one time and I started a scheme of this kind. It was done on a rotation basis; we hired a man and rented out the equipment for so much an acre. However, the present elected council saw fit to order him off the reserve.

Mr. SMALL: That point is covered also here on page 9:

Yet when the committee visited the St. Regis Agency, it found the results of the work of a superintendent who had applied psychology to interest the Indians in agriculture. Here, while many of the young men are away working in industry, those who have stayed behind have taken to farming and several good herds of cattle were seen. Up to date machinery and well kept farm buildings were noted, contrasting strangely with the still-standing broken down buildings of the decades before the band started in to farm in earnest. The Indian affairs branch has done much to foster farming on the reserves through making money available for equipment and herds, and other assistance. There is also much assistance available under provincial legislation, but these resources have barely been touched or appreciated. There are 44 provincial acts administered by the Department of Agriculture, which could benefit or regulate Indian reserve agriculture, if advantage were taken of them.

It goes on to say that there are facilities there if they want to use them. That is the report of four years ago. They said the Indian affairs branch will supply the money and supply the equipment for them, if they will use it.

Mr. THOMAS: Mr. Chairman, there may have been changes of policy in regard to certain reserves since 1954.

Mr. SMALL: It is not only that the Indian will not farm; the white fellow will not work on the farm either.

Mr. THOMAS: I would like to know how the original efforts to foster farming turned out.

Mr. SMITH: It was very successful and it was of assistance to those who did not have the equipment to farm. They bought tractors, binders, three furrow plows rented them out at so much an acre. That was cheaper than you would buy a tractor and do it yourself.

Mr. THOMAS: Is there any drainage problem on the Six Nations reserve?

Mr. SMITH: That is a minor problem. They are scooping out holes now to create water reservoirs.

Mr. BALDWIN: Would the officials of the department know whether the provisions of the Farm Loan Improvement Act are available to Indians.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Would you answer that question, Colonel Jones. Mr. Baldwin wants to know if the provisions of the Farm Improvement Loan Act are available to Indians.

Mr. HARDIE: On reserves.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Yes, on reserves.

Mr. H. M. JONES (*Director of Indian Affairs*): No, they are not.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): But there are other agencies through whom they could get help?

Mr. JONES: Help for equipment?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Yes.

Mr. JONES: Oh yes, they can get help from the branch through a revolving fund loan, plus advice from the various provincial governments, experimental farms and the Department of Agriculture.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): And through the Department of Agriculture?

Mr. JONES: Yes.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): The agricultural representative in Brantford helps considerably on the reserve, does he not?

Mr. SMITH: Yes; considerably.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Are there any other questions, gentlemen, that you would like to ask Mr. Smith?

Mr. THOMAS: I have another question, Mr. Chairman. You can rule me out of order if it is wrong to ask this question, or Mr. Smith can object to answering it. The Indians have been granted the right to vote in provincial elections. Do they take advantage of this right on the Six Nations reserve? The reason I ask the question is that I know in some places the Indians approach this matter of voting in provincial elections with great caution. What is the feeling in the Six Nations reserve in this regard? You do not need to answer my question unless you wish to.

Mr. SMITH: Well, on the Six Nations reserve a very low percentage of the local people voted, they do not have the federal; only the provincial.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Returned men and their wives have a vote in the Federal Election?

Mr. SMITH: Yes. But in connection with that the figures they give out do not represent a true picture of the Indian vote. We have a detachment of mounted police and the staff of the Lady Willingdon hospital, who are all white. We have a considerable number of tenants and their wives, missionaries and their wives, and these represent a high proportion of that figure in the voting, and not the Indians.

Mr. THOMAS: Well, can you give us any reasons why a larger percentage do not vote or the objections to voting? Are the Indians not interested in voting, or are there reasons?

Mr. SMITH: There are reasons. We would like to discuss that more fully when we bring up the matter. That would be one of the reasons.

Mr. THOMAS: That is bound up with this other matter, so I will not proceed with it further at this time.

Mr. MARTEL: Could you give us the percentage of Indians who voted in the provincial election?

Mr. SMITH: I think there were 263 voted in the last provincial election.

Mr. MARTEL: Out of how many eligible voters?

Mr. SMITH: Well, almost 4,000.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): No, no, not on the list.

Mr. SMITH: Well, there are a lot of names that are not on the list; they have never applied to have their names on the list.



The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I gave those figures in the House of Commons two weeks ago and I think the figure was around 1,300 or 1,400 eligible to vote and there were almost 400 who voted. That is the 1955 provincial election.

Mr. SMITH: I am speaking of the last one which was held just recently.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Yes, but the ones on the voters list.

Mr. SMITH: That would not represent a true picture either, because a lot of our people do not care to have their names on the voters list.

Mr. MARTEL: But you have people going around making up the list?

Mr. SMITH: If you take the band list, it would be a different figure.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): That would include children as well.

Mr. SMITH: No, eligible voters. It would be a good deal more than 1,400; it would be close to 4,000—at least 3,600 anyway.

Mr. MARTEL: And there were only 200 and some who voted?

Mr. SMITH: Yes. That does not represent a true picture because there are the outsiders, the mounted police, missionaries and their wives, hospital staff and tenants. A considerable number of tenants rent farms and houses, live on the reserve and have their names on the voters list.

Mr. MARTEL: I do not know if this question will be in order. Is there a higher percentage of voters in the local elections when the chiefs are elected?

Mr. SMITH: No, a low percentage.

Mr. MARTEL: You do not know how many?

Mr. SMITH: Well, in the last election there were over 630 voted, but that does not represent a true picture either, because one-third or one-half of them would support the confederacy.

Mr. MARTEL: But they voted for one or the other.

Mr. SMITH: Yes, but it does not necessarily means they support the elected council.

Mr. SMALL: Of those 21 years and over approximately 4,000 would be eligible to vote.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Here are the figures for December, 1957. Voting at band elections, Six Nations, Grand River band: total population as of December 31, 1958, 7,228. The total number of eligible voters as of December, 1957 was 3,500 and the total number registering votes was 706. Now, in 1955 you do not have a total eligible list, but 605 voted in 1955.

Mr. MARTEL: That is the local election.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): We have the figures available on the liquor question. Then there is the election of 1957; that is the figure I gave you before. In the election of 1955, the figure is 605; the election of 1953, 678, and in 1951, 490.

Mr. THOMAS: I have one more question, Mr. Chairman, and then I will stop. Are you people satisfied with the method of setting up band lists; have you any complaints in that regard?

Mr. SMITH: Oh, yes. We are not satisfied at the Six Nations.

Mr. FRASER: That is dangerous ground.

Mr. THOMAS: Does that come under this?

Mr. FRASER: Yes.

Mr. SMITH: Yes.

Mr. THOMAS: All right then, we will not pursue it.

Mr. SMALL: I move we adjourn, Mr. Chairman.

Mr. BADANAI: I second the motion.

Mr. MARTEL: Before you adjourn, Mr. Chairman, I would like to know if Mr. Davey of the education division will be back here before the end of this session?

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): I am not sure of that now, but he will be available almost any time we are sitting. Mr. Davey will be available.

Mr. MARTEL: Not before the end of the session, but if the committee keeps on with its work.

Chief HILL: On behalf of the confederacy chiefs I would like to thank this committee for inviting us to appear before it and listening to us. I also appreciate the fact that you are willing to listen to us again at a future date. We will take back the information which we have received and I know we will be happy to appear again at a later date.

The ACTING JOINT CHAIRMAN (*Mr. Charlton*): Thank you, Chief Hill. It has been moved by Mr. Small and seconded by Mr. Badanai that we adjourn.



SECOND SESSION—TWENTY-FOURTH PARLIAMENT

1959



Joint Committee of the Senate and the House of Commons  
on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone  
and  
Mr. Noël Dorion, M.P.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

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THURSDAY, JULY 2, 1959  
FRIDAY, JULY 3, 1959

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WITNESSES:

*From the Native Brotherhood of British Columbia:* Mr. Robert P. Clifton, President; and Dr. Peter R. Kelly, Chairman of the Legislative Committee.

*From the Department of Citizenship and Immigration:* Mr. Laval Fortier, Deputy Minister; and Mr. H. M. Jones, Director of Indian Affairs.



MEMBERS OF THE COMMITTEE

FOR THE SENATE

Hon. James Gladstone,  
*Joint Chairman*,  
Hon. W. A. Boucher,  
Hon. D. A. Croll,  
Hon. V. Dupuis,  
Hon. M. M. Fergusson,  
Hon. R. B. Horner,

Hon. F. E. Inman,  
Hon. J. J. MacDonald,  
Hon. L. Methot,  
Hon. S. J. Smith,  
Hon. J. W. Stambaugh,  
Hon. G. S. White—12.

FOR THE HOUSE OF COMMONS

Mr. Noel Dorion, *Joint Chairman*,  
Mr. H. Badanai,  
Mr. G. W. Baldwin,  
Mr. M. E. Barrington,  
Mr. A. Cadieu,  
Mr. J. A. Charlton,  
Mr. G. C. Fairfield,  
Mr. G. K. Fraser,  
Mr. D. R. Gundlock,  
Mr. M. A. Hardie,  
Mr. W. C. Henderson,  
Mr. F. Howard,  
Mr. S. J. Korchinski,

Mr. R. Leduc,  
Mr. J. J. Martel,  
Mr. H. C. McQuillan,  
Mr. H. J. Michaud,  
Mr. G. W. Montgomery,  
Mr. R. Muir (*Cape Breton North  
and Victoria*),  
Hon. J. W. Pickersgill,  
Mr. A. E. Robinson,  
Mr. R. H. Small,  
Mr. E. Stefanson,  
Mr. W. H. A. Thomas—24.

Quorum—9

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, July 2, 1959.  
(7)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 3.30 p.m. this day. The Joint Chairmen, The Honourable Senator Gladstone and Mr. Noel Dorion, presided.

### *Present:*

*The Senate:* Honourable Senators Gladstone, Fergusson, Inman, MacDonald, Smith (Kamloops), and Stambaugh.

*The House of Commons:* Messrs. Badanai, Baldwin, Barrington, Cadieu, Dorion, Hardie, Howard, Martel, McQuillan, Montgomery, Pickersgill, and Small.

*In attendance:* From the Native Brotherhood of British Columbia: Mr. Robert P. Clifton, President; and Dr. Peter R. Kelly, Chairman of the Legislative Committee. From the Department of Citizenship and Immigration: Mr. Laval Fortier, Deputy Minister; Mr. H. M. Jones, Director of Indian Affairs; and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Steering Subcommittee report was read as follows:

The Subcommittee on Agenda and Procedure recommends as follows:

1. That the various documents deposited with the Joint Chairman (Mr. Dorion) by the Honourable Mrs. Fairclough and tabled on June 16, 1959, be reproduced for the information of Members of the Committee.
2. That at the close of this session of Parliament, the Provincial governments be advised of this Committee's inquiry and the manner in which they may make representations, if they so desire.
3. That information, similar to the above, be supplied to the Canadian Federation of Mayors and Municipalities.
4. That the hearing of the representatives of the Caughnawaga Indian Council be postponed until next session.
5. That a letter, which has been approved by the Steering Committee, (for contents see printed "Evidence"), be written to those groups who request an opportunity to appear before the Committee.

On motion of Mr. McQuillan, seconded by Mr. Howard,

*Resolved,*—That the Report of the Steering Subcommittee presented this day be now concurred in.

The Chairman read a message from the Honourable Ellen L. Fairclough expressing her regret that she was unable to be present at the meeting.

Dr. Kelly and Mr. Clifton were introduced and the former read the prepared brief on behalf of the Native Brotherhood of British Columbia.

The witnesses were questioned regarding the number of Indians they represent in their statement.

*Agreed*,—That additional information, respecting the number of members of the Native Brotherhood of British Columbia, together with the approximate number of Indians who support their views, be forwarded to the Committee by mail.

Dr. Kelly and Mr. Clifton were questioned on the matters referred to in the brief and the recommendations therein.

At 5.40 p.m. the Committee adjourned until 8.30 p.m. this day.

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#### EVENING SITTING

(8)

The Committee resumed at 8.30 p.m., the Joint Chairmen, presiding.

*Present:*

*The Senate:* Honourable Senators Gladstone, Fergusson, Inman, MacDonald and Smith (*Kamloops*).

*The House of Commons:* Messrs. Badanai, Baldwin, Cadieu, Dorion, Gundlock, Hardie, Henderson, Howard, Martel, McQuillan, Montgomery, Pickersgill, and Small.

*In attendance:* Same as at afternoon sitting.

The Committee continued its examination of Dr. Kelly and Mr. Clifton on the contents of the brief of the Native Brotherhood of British Columbia.

At 9.55 p.m. the Committee adjourned until 9.30 a.m. Friday, July 3, 1959.

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FRIDAY, July 3, 1959.

(9)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.40 a.m. this day. The Joint Chairmen, Honourable Senator Gladstone and Mr. Noël Dorion, presided.

*Present:*

*The Senate:* Honourable Senators Fergusson, Gladstone, Inman, MacDonald, and Smith (*Kamloops*).

*The House of Commons:* Messrs. Baldwin, Barrington, Charlton, Dorion, Hardie, Henderson, Howard, Korchinski, Martel, McQuillan, Montgomery, and Small.

*In attendance:* From the Native Brotherhood of British Columbia: Mr. Robert P. Clifton, President, and Dr. Peter R. Kelly, Chairman of Legislative Committee. From the Indian Affairs Branch, Department of Citizenship and Immigration: Mr. H. M. Jones, Director, and Mr. C. I. Fairholm.

Mr. Jones supplied certain statistics regarding loans made to Indians from a revolving fund.

*Agreed*,—That the above-mentioned information be printed in the Committee's record. (*See Appendix "A" to this day's Evidence*)

The Committee resumed consideration of the brief of the Native Brotherhood of British Columbia, the representatives of Brotherhood being questioned thereon.

Mr. Jones, Director of the Indian Affairs Branch supplied information on a number of related points.

At 11.00 a.m. the Committee recessed to permit Committee Members to attend "Routine Proceedings" in the House of Commons.

At 11.50 the Committee resumed.

The examination of the witnesses from the Native Brotherhood of British Columbia and from the Indian Affairs Branch was continued.

At 1.00 p.m. the Committee adjourned until 3.00 p.m. this day.

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### AFTERNOON SITTING

(10)

The Committee resumed at 3.10 p.m., the Joint Chairmen, presiding.

*Present:*

*The Senate:* Honourable Senators Fergusson, Gladstone, MacDonald, and Smith (Kamloops).

*The House of Commons:* Messrs. Barrington, Charlton, Dorion, Hardie, Henderson, Howard, Korchinski, Martel, McQuillan, Montgomery, and Small.

*In attendance:* Same as at morning sitting.

With the permission of the Committee, Mr. Dorion asked Mr. McQuillan to replace him as Joint Chairman representing the House of Commons, for the remainder of this sitting. Mr. McQuillan assumed the Chair.

The Committee resumed its consideration of the brief of the Native Brotherhood of British Columbia, the representatives of that organization answering questions thereon.

The officials of the Indian Affairs Branch supplied additional information.

On motion of Mr. Montgomery, seconded by Mr. Howard,

*Resolved,*—That the Committee continue its hearing *in camera* to receive certain information.

*Carried on division.*

At 4.20 p.m. the Committee continued its sitting *in camera*.

At 4.26 p.m., the Committee resumed in open session.

The examination of the witnesses was continued and concluded.

The Acting Joint Chairman, Mr. McQuillan, thanked the witnesses and they were permitted to retire.

A telegram from Andrew Paull, President of the North American Indian Brotherhood was read to the Committee.

*Agreed,*—That this telegram be referred to the Steering Subcommittee.

At 5.15 p.m. the Committee adjourned until 3.30 p.m., July 9, 1959.

E. W. Innes,  
*Clerk of the Committee.*





## EVIDENCE

THURSDAY, July 2, 1959.  
3:30 p.m.

The JOINT CHAIRMAN (*Mr. Dorion*): Order. We have a quorum.

First I wish to excuse myself for having been away last week. I read the reports of the two meetings and the excellent work you performed. I beg you to accept my modest thanks. I would like, also, to thank Mr. Charlton, for having acted as joint chairman with Senator Gladstone. I saw how efficient he was at that job, and I would like to congratulate him.

This afternoon we had a meeting of the Steering Committee, and it was suggested that at the end of our meetings we would prepare a report, and that in that report we would ask that the committee be reconstituted next year, in order to continue with our work.

There are many organizations who have asked to appear before this committee. We have prepared a draft of a letter in order to inform them that this committee will be reconstituted at the next session, and that we will meet as early as possible in that session.

The Clerk of the Committee has prepared a draft of a letter, on the suggestion of Mr. Howard, in order to invite the provinces and the municipalities—where there are some organizations in connection with Indian affairs—to inform them that if they would like to be heard before the committee they will have such an opportunity.

I would like now to ask Mr. Innes to read to us the draft of these letters. I say “these letters”, because we have to use two letters, one to the organizations from which we have enquiries, and the other letter is for the municipalities and the provinces.

Mr. HARDIE: Have you the two different letters prepared?

The JOINT CHAIRMAN (*Mr. Dorion*): No, the second one is not yet prepared, because this was decided just this afternoon at the meeting of the Steering Committee.

Mr. HARDIE: The one you are going to read is that which is going to provincial governments and municipalities?

The JOINT CHAIRMAN (*Mr. Dorion*): That draft is not prepared. The first one is concerning the organizations who wish to be heard before the committee.

The CLERK OF THE COMMITTEE: This letter would be to organizations who have presently asked to be heard:

During the past session of parliament the joint committee of the Senate and the House of Commons on Indian Affairs was appointed to examine and consider the Indian Act and other related matters.

Many groups and organizations, as well as private citizens, have indicated a keen interest in the welfare of the Indian people, and in many cases have requested permission to make written or oral submissions to the committee.

Due to a shortage of time, the committee was not able to hear from many of those who wished to submit information. In order to ensure that all the necessary evidence is adduced, a recommendation has been made to parliament that a similar committee be appointed,

early in the next session, to continue those studies. At that time, it is expected your organization will be given an opportunity to make a submission.

Perhaps it would be helpful to emphasize that the "Orders of Reference" of the committee of 1959 were rather broad, the committee being empowered to investigate and report upon, among other things, Indian administration in general and, in particular, on the social and economic status of the Indians.

It would be of assistance to this office if those organizations or groups who wish to make written or oral submissions would so advise the undersigned. All those who intend to present a brief to the committee are requested to submit three copies of that brief prior to December 31, 1959.

If you are planning to make representations to the committee and I can be of any assistance, please do not hesitate to communicate with me.

There has been one suggestion that the second last paragraph be reworded. That is the one which reads:

It would be of assistance to this office if those organizations or groups who wish to make written or oral submissions would so advise the undersigned. All those who intend to present a brief to the committee are requested to submit three copies of that brief prior to December 31, 1959.

The JOINT CHAIRMAN (*Mr. Dorion*): Will you give us an idea of the other letter we intend to address?

The CLERK OF THE COMMITTEE: The other letters, those to the municipalities, would start out, I would suggest, the same. The letter would not directly ask those organizations of municipalities to make submissions, but would make clear the manner in which such submissions could be made, without specifically asking them to make representations.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any objection to this, gentlemen?

Mr. MONTGOMERY: When you speak of "municipalities" what are you referring to?

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Howard, will you explain your point of view?

Mr. HOWARD: I thought that, probably from the explanation that was given, it might be misunderstood; but it is not the intention to write to each municipality in Canada. There are organizations of municipalities—for instance, in British Columbia we have an organization called The Union of B.C. Municipalities, to which all municipalities in the province are affiliated. They have an annual convention and present briefs to the provincial government. It was organizations of that sort we had in mind.

Senator SMITH (*Kamloops*): Would it not be better to refer to it as municipal associations? Would this include the friends of the Indian societies of every municipality in Canada?

Mr. HOWARD: I do not think they are organized municipalities.

Senator SMITH (*Kamloops*): This refers to organized municipalities?

Mr. HOWARD: Cities, villages, municipalities, and so on. There are associations of these organized municipalities.

Senator STAMBAUGH: I think they are both rural and urban; it is in Alberta anyway.

Mr. BADANAI: I would suggest it should be addressed to the Canadian Federation of Mayors, of which every municipality is a member; and then let the federation communicate with the municipalities.

The JOINT CHAIRMAN (*Mr. Dorion*): I believe Mr. Howard suggested the means by which it would be possible to reach these municipalities which are interested.

Mr. MARTEL: What would a municipality have to do with a suggestion concerning an amendment of the Indian Act? Do they look after Indians in some provinces?

The JOINT CHAIRMAN (*Mr. Dorion*): Will you explain your point of view again, Mr. Howard?

Mr. HOWARD: Municipalities, some of them and not all of them, have an interest, to a degree, in Indian affairs.

To take a case in point—say, the city of Prince Rupert on the west coast, that is a fishing centre. During the fishing season—as the gentlemen from the native brotherhood of B.C. will be able to point out more clearly than I—there is a great influx and concentration of Indian people in that area; and the city council of Prince Rupert just last year established a committee to study some of the problems arising out of the concentration of Indian peoples in Prince Rupert, their effect on the municipality, and what they should do in that regard. It is not concentrated to one municipality, but there are other municipalities that have somewhat similar ideas.

Mr. MARTEL: Those municipalities have no responsibility to look after the Indians directly, do they?

Mr. HOWARD: Yes.

Mr. SMALL: They have.

The JOINT CHAIRMAN (*Mr. Dorion*): On that point I would like, if you would permit me, to suggest that Mr. Martel read article 87. There I believe you have the measure of the authority of the provinces in respect of Indian affairs. When we speak about the provincial governments we speak too about the delegated powers from provinces to municipalities.

Subject to the terms of any treaty and any other Act of the Parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act or any order, rule, regulation or by-law made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this Act.

I suggest the authority given to municipalities, if there is any authority, is within the powers indicated by this section.

Mr. MARTEL: What I had in mind was, in the province of Quebec—I do not know whether it is all over the province, but around Amos, we have an Indian group. Whenever they come in in the summer—as they do out in B.C.—they do not come under the direct responsibility of the municipality; they are still under the jurisdiction of the Indian affairs branch. Then, if they do any illegal thing within the limits of the compound, they might be arrested, but none of them is taken care of by the municipal council itself.

The JOINT CHAIRMAN (*Mr. Dorion*): I presumed—

Mr. MARTEL: That is why I make the point. The same thing must apply in British Columbia.

The JOINT CHAIRMAN (*Mr. Dorion*): I presume Mr. Howard does not speak of municipalities as such, but of municipal organizations, in order to help Indian organizations or the like.

Mr. HOWARD: Municipalities, as such, where in contact with Indian people. This is not so in many municipalities, but it is in others—municipalities where you may have, say, a municipal school board involved in an agreement with the Indian affairs branch for purposes of education. Education is a question they may be concerned with; education is one of the things they might be involved in.

Mr. BADANAI: Transportation, too.

Mr. MONTGOMERY: Would those all come under the provincial government? What I am thinking of is in my province. I think if the provincial government were notified they would know. We have a union of municipalities also, but I doubt if they will bother their heads about it unless they are requested by the provincial government to do so.

Mr. BADANAI: In any event, the proposal would be to notify the Canadian Federation of Mayors and they, in turn, could notify the municipality concerned.

The JOINT CHAIRMAN (*Mr. Dorion*): You would be satisfied with that?

Mr. HOWARD: That is what I had in mind.

The JOINT CHAIRMAN (*Mr. Dorion*): Do you agree with the suggestion made by Mr. Howard?

Agreed.

The CLERK OF THE COMMITTEE: There is the following recommendations in the subcommittee report: (1) that various documents deposited with the Chairman by Mrs. Fairclough, and tabled on June 16, be reproduced for the information of members of the committee; (2) that the provincial governments be advised of the committee's inquiries and the methods of making representations, if they so desire; (3) that the Federation of Mayors and Municipalities be advised.

Mr. HOWARD: That the committee of the federation of mayors of municipalities—

The CLERK OF THE COMMITTEE: —be supplied with similar information; (4) that the hearing of the representations of the Caughnawaga Indian council be postponed until next session—that is because they have indicated they are not yet prepared to attend; and (5) that the letter which was approved by the steering committee—which I have read to you—be written to those groups asking for an opportunity to appear.

Mr. HARDIE: Are we not going to send the same letter to the Indian bands across the country? Is it not the Indians we want to hear from?

The CLERK OF THE COMMITTEE: That was brought up during the meeting of the steering committee, but it was suggested that the steering committee should have a look at that letter, before they recommend that it be sent to the bands. When we compose a letter, then we can deal with that.

Senator MACDONALD: Mr. Co-chairman, I would like to press this question. I belong to the province of Prince Edward Island, and we have there what is known as the Micmac tribe. I would like to inquire—I do not know if the deputy minister is back there.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes, Mr. Fortier is.

Senator MACDONALD: There is Father MacInnis who is head of the school at Lennox island. That is where one reservation is, and there is another at Scotch Fort, near my own home.

I wrote down for him to furnish me with any "beefs" they have, or figures or anything else; and I did not hear from them.



The point I am getting at is, are they complaining about the situation down there, in so far as education and living conditions are concerned? Do you understand what I am asking?

Mr. LAVAL FORTIER (*Deputy Minister, Citizenship and Immigration*): I understand you have written to Mr. McGuinness.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you like to reply, Mr. Fortier?

Mr. FORTIER: No, I do not know of any reply.

Senator MACDONALD: They are not complaining about anything there? Everything seems to be happy, and going along fine?

Mr. FORTIER: Yes.

Senator MACDONALD: Very well; I am out.

The JOINT CHAIRMAN (*Mr. Dorion*): May I have a motion to adopt the steering committee report, with the corrections?

Agreed.

The JOINT CHAIRMAN (*Mr. Dorion*): Senator Gladstone and myself have received a letter from the minister. I will read it to you.

Gentlemen:

I am very sorry that I am unable to attend the committee meeting when the delegates are here from the west. Would you please explain to them I am accompanying Her Majesty to Hamilton, but I send them my best regards.

Yours sincerely,

Ellen Fairclough,  
Minister.

This afternoon I understand we have here the Reverend Peter Kelly and Mr. Clifton, who represent the Native Brotherhood of British Columbia.

They have prepared a brief, and we have a copy for each of you. The Reverend Peter Kelly is chairman of the legislative committee of the Native Brotherhood of British Columbia.

Mr. MARTEL: Before we proceed with the brief, would you mind repeating? Is that the name of the group, or is this brief being presented on behalf of one band?

JOINT CHAIRMAN (*Mr. Dorion*): The Native Brotherhood of British Columbia, of which the Reverend Mr. Kelly is the chairman of the legislative committee.

Mr. MARTEL: Does that mean that they represent all the Indians of British Columbia, all the different bands?

The JOINT CHAIRMAN (*Mr. Dorion*): He will give you all the information you want.

Mr. MARTEL: All right. Thank you.

The REVEREND P. R. KELLY (*Chairman of the Legislative Committee of the Native Brotherhood of British Columbia*): Mr. Chairman, ladies and gentlemen of the Senate, and of the House of Commons—or am I mistaken?

Senator MACDONALD: You are quite right; keep on.

Dr. KELLY: We are delighted to be here this afternoon before this committee.

Robert P. Clifton, who is with me, is president of the Native Brotherhood of British Columbia and we represent—I was going to say the whole of British Columbia, but that would not be quite correct, because there are little



groups here and there which prefer to be known by themselves. So we cannot say that we are 100 per cent in the Native Brotherhood of British Columbia. However the Native Brotherhood of British Columbia is the largest body of organized Indians in Canada—not only in British Columbia but in Canada.

I think it is the only organization that is properly organized, and as such we feel with confidence that we can speak for the native people of British Columbia.

Senator MACDONALD: How did Senator Gladstone beat you to it and get into the Senate?

Dr. KELLY: I think Senator Gladstone can vouch for what I am saying. I have known the senator for some few years and we have sat shoulder to shoulder here before, although he was not in the red chamber at that time.

Mr. MCQUILLAN: I wonder if Dr. Kelly would mind giving a little of his own background to the committee. I happen to know him, but I think the rest of the committee would be most interested to hear about his background. I believe he was born in the Queen Charlotte islands. Is that not so?

Dr. KELLY: Yes.

Mr. MCQUILLAN: I think that would be most interesting to the committee.

Senator MACDONALD: I might warn you that all the gentlemen who come before this committee give us their background, so you need not be embarrassed over that question.

Dr. KELLY: Mr. McQuillan should tell the story if you wish to hear it. It is not up to me to tell it.

Mr. MCQUILLAN: I would like to put this on the record, but you will have to help me. The Reverend Mr. Kelly was born in the Queen Charlotte islands, a member of the Haida Indian band or tribe, which was one of the outstanding tribes on the coast of British Columbia.

He became ordained in the church, the United Church. When did you become a minister of that church?

Dr. KELLY: When did I become a minister of the church? That was in 1910.

Mr. MCQUILLAN: A minister of the United Church; but in those days it was not known as the United Church. I believe it was the Methodist Church.

Dr. KELLY: I was received as a student in 1910.

Mr. MCQUILLAN: Thank you very much. I just wanted you to tell the committee so that they would realize your background and know that you know whereof you spoke. That is all.

Senator MACDONALD: I want to thank the senator here—or is he a member of parliament—for bringing me up to date on that.

The JOINT CHAIRMAN (*Mr. Dorion*): Kindly proceed, Mr. Kelly.

Dr. KELLY: I shall proceed with the reading of the brief at this time if that is acceptable.

The JOINT CHAIRMAN (*Mr. Dorion*): Very well.

Dr. KELLY: The Indians of British Columbia feel very strongly that they should have the federal vote on the same basis on which the provincial vote was granted them. Before this vote was granted to them, there was a fear in the minds of a good many of them that somehow the exercising of that franchise would jeopardize their status as Indians. By experience, they have learned that it has enhanced their position in the province, and they are now grateful for the day when this was made possible for them.

On the same basis, there are many Indians throughout the country who have raised their voices against the federal vote. They think that the extension of the federal vote would weaken their position in retaining their aboriginal rights and possessions. But careful consideration of the whole situation makes the executive committee of the Native Brotherhood of British Columbia, as well as the whole rank and file of the membership, feel that the British Columbia vote gave them a new appreciation of their position in the province, and that the federal vote would be equally beneficial.

I would like to quote Mr. Don Brown, who was the chairman of the parliamentary committee on the revision of the Indian Act which came into effect in 1951:

Mr. BROWN: Mr. Chairman, I shall give my reason for the amendment. The Indian Affairs Committee, which is a joint committee of the Senate and the House of Commons, has considered the question of voting by the Indian population in Canada. On or about May 6 of this year a unanimous report was made by the committee to the house, recommending that votes be given to the Indians on the same basis as they are given to urban voters.

Senator MACDONALD: Before you go any further, may I ask if there was any time in Canadian history when the Indians anywhere, either on the reserves or off the reserves, had the vote?

Mr. SMALL: I told you at the last meeting that Sir John A. Macdonald gave them the vote.

Senator MACDONALD: Would you please elaborate on that. Put it on the record.

The JOINT CHAIRMAN (*Mr. Dorion*): Excuse me, Senator Macdonald, but if you have no objection, we will allow Mr. Kelly to give us his statement after which you may ask any questions you wish to put.

Senator MACDONALD: Thank you.

Dr. KELLY: May I proceed, Mr. Chairman?

The JOINT CHAIRMAN (*Mr. Dorion*): Very well.

Dr. KELLY: The provincial vote has been granted to Indians in the provinces of British Columbia, Manitoba, Ontario, Nova Scotia and Newfoundland. As we have pointed out, it has in no way interfered with their aboriginal or treaty rights, and we believe the federal vote will give them a greater sense of pride and responsibility in their place as citizens of Canada.

Since many of the members of the government now in power supported this position of granting the federal vote to the Canadian Indians, we are glad to bring this matter up and press for its fulfilment at this time. We are confident that the present Prime Minister, the Right Honourable John G. Diefenbaker, would be glad to have the opportunity of initiating the fulfilment of this long-delayed right of citizenship.

As we represent the British Columbia Indians, we can only speak for the native people of that province. We would like to say that we would appreciate if the federal vote were granted to our people on the same basis on which the British Columbia provincial vote was granted to them. We refuse the necessity of signing a waiver as now required. We request that subsection 2 of section 86 of the Indian Act be abolished.

This applies to the signing of the waiver before an Indian can vote in a federal election.

We have been very happy to hear the statement made by the Prime Minister, the Right Honourable John G. Diefenbaker, as reported in *Hansard* of July 2nd, 1956, as follows, quote—

The Indians come to us and ask us to present their views before parliament. They have no direct representation. As a matter of fact, I have often thought that the only way in which our 174,000 Indian people in Canada who have no representation in parliament could receive representation would be through the appointment to the Senate of one or more of their outstanding leaders to the end that their problems will receive that consideration which only direct representation in parliament, either in the Senate or in the House of Commons, will permit.

I am glad to say that since that day Senator Gladstone representing the Indians of Canada has been appointed to the Senate, and that we all feel proud of him.

Senator MACDONALD: Thank you for that. He is my deskmate.

Dr. KELLY: We earnestly hope that the Prime Minister and parliament will now give the Indian people more representation.

There are some observations which we would like to make in connection with the Indian Act and the administration thereof.

- (a) Eliminate the power of veto by the minister and Indian Affairs branch officials. It is the major subject of complaint on the part of the native people that they are placed in an inferior position because of the attitude of the Indian Affairs administration. The Indian seldom has legal recourse against administrative decisions and "petty tyranny".

You will note that "petty tyranny" is in quotation marks. I am not going to say where it came from.

We believe that a royal commission should be appointed so that the Indian point of view might be placed before the Canadian people as a whole rather than through "the narrow conduit pipe of the administrative services within the department itself".

- (b) We believe departmental officials should not have the power of a justice of the peace in trying Indians' cases. We believe all infractions of law should be tried in the same court as for all the inhabitants of Canada.
- (c) We believe that members of the band councils should receive compensation for the expense in time and effort in carrying out the duties of office. The time is long past when such duties could be carried out without the personal sacrifice on the part of the office holder. "They ought to be repaid in some small degree for the energy they display and ability they exercise in solving the day-to-day problems of the reserve".
- (d) We were pleased to note that section 69 of the Indian Act was amended in 1956, increasing the revolving loan fund to one million dollars (\$1,000,000.00). This affords increased financial assistance to Indians who are generally denied access to ordinary bank loans due to implications of section 88 of the Indian Act.

We request that subsection 5 of section 69 of the Indian Act dealing with loans to Indians be amended to read "The total amount of outstanding advances to the minister under this section shall not at any one time exceed five million dollars".

It is now \$1,000,000.

If the Indian is to be intergrated economically he needs to be encouraged in financial responsibility and integrity.

We believe that such financial assistance is only a part of the measure that could be taken to improve the lot of the Canadian Indian. It should be recognized that the Indian can no longer live his traditional way of life on the reserve. Contrary to the ordinary public concept of his position as a "ward of the government" the Indian is faced with the problem of making a living like any other citizen, and is doing so in the face of unequal competition in the Canadian economy. If this parliamentary committee subscribes to the view that the native people should be integrated completely into the body politic in the foreseeable future, there should be more definite assistance and action towards this end.

Earning an everyday living on an Indian reserve is becoming more and more precarious. The economic position of the Indian must improve. He must be taught the value of systematic training in the broad fields of labor and education.

The little line which comes in after this is in the wrong place. However, it is there just the same. When I gave this to my stenographer to copy out, I think it was misplaced. This deals with compulsory enfranchisement.

We demand the abolishment of section 112 of the Indian Act.

We believe that the history and philosophy of Indian administration in Canada is based on a welfare or "hand out" policy. We had hoped that the stated policy of the parliamentary committee on the Indian Act "help the Indian to help himself"— would be the spirit of the administration of revised Indian Act of 1951. In this connection we learned with pleasure that a trained economist had been taken into the Indian Affairs branch administration for the purpose of a planned assistance in fitting the Indian in the Canadian economy by an aggressive policy. This pattern along with a greater emphasis on general and technical education, holds the hope of a more promising future for the Indian people. This policy was outlined by the Minister of Citizenship and Immigration who stated in the House of Commons on June 19th, 1956:

I think one of the most important internal problems we have in this country, and certainly morally there is no more important internal problem for the rest of us, is to do our utmost in every practical way we can to see that the Indians have every opportunity we can give them of developing new ways of supporting themselves and living in a self-respecting manner as ordinary members of the community.

We are aware that this is a new departure in Indian administration in Canada and trust that this committee will recommend and pursue the policy of economic development for Indians, on and off reserves, throughout Canada.

We hope that the recent survey of the Indians of British Columbia, by the University of British Columbia, will present a positive, progressive pattern for development of the well being and prosperity of the native citizens of the province.

- (e) Housing need is a most pressing problem for the Indian people. The need of decent houses suitable for healthy living is a great necessity. In order to make good houses available for the Indians, a program of building under a scheme similar to the National Housing Act for Indians should be considered and initiated. The system under which Indians are now assisted to build their houses is inadequate and haphazard. There must be a proper plan for houses having in view:

1. Sound construction



2. Good planned room arrangement
3. Proper sanitation
4. Good window plan for sufficient light.

I might add a word at this time. We heard there was a fire in the Indian village at Skidegate mission which is near my home village in the Queen Charlotte islands. A number of young persons were burned to death. That is not the only instance when this has happened. I think it stems to this matter I am referring to now—well-built houses. I would imagine one of the reasons for that fire and many other fires would be poor chimneys—no brick chimneys, just an iron pipe stuck out through the roof. When this is overheated it causes fire. Probably there was some other reason in this instance, but that has been the primary reason for many of the fires on the Indian reserves.

Houses constructed under this system should not be carried on protractedly.

We would suggest that the building of the house should be completed in twenty-four months.

Too often lumber and material have been left to lie indefinitely.

4. As citizens of British Columbia the native people are aware of the advantages of being more closely connected with certain departments of the provincial government. This thinking is in accord with the recommendation of the joint parliamentary committee of June 22nd, 1948, which outlined "certain aspects of Indian Affairs administration, which, perforce, require co-operation between dominion and provincial officials, to bring about the future economic assimilation of Indians into the body politic of Canada". It is gratifying to note that, of the six points enumerated, five of these have been implemented by legislative co-operation.

However, the health and welfare recommendation has not been expanded enough. Since health and welfare matters are essentially local problems which should be dealt with by local authority, we therefore suggest that the federal government should negotiate with the province in order that the Indians of British Columbia may enjoy the same standard of services enjoyed by other citizens. This would help to eliminate the present double standard of services which have tended to make the Indian feel different and inferior.

Over the years there are many controversial issues in which the views of Indians and governmental officials differ sharply. These matters include such questions as income tax imposition; the Indian land question of British Columbia; the eighteen-month clause and now six months withholding health, welfare and medical services.

It is interesting to note that in a publication entitled *The Indian People of Canada* of March, 1959, by Canadian citizenship branch, Department of Citizenship and Immigration, the following paragraph appears on page 14, "Health services and medical care are the responsibility of the Indian and northern health services of the Department of National Health and Welfare".

Up to the present this admission of responsibility has never appeared in print.

The experience of the Indian people in British Columbia is not in accordance with this statement. Doctor's fees and drug charges are being demanded of the Indian. This has come to pass in the last twelve months. It refutes the responsibility of the health services and medical care by the Department of the National Health and Welfare. The exception to this is the aged and indigent patients and patients in the tubercular sanitariums.

According to the instructions given by the national health and welfare services, the Indian who is off the reserve for six months forfeits his claim to health and welfare services.



The Native Brotherhood of British Columbia asserts that an Indian who is a member of an Indian band is entitled to all the rights and privileges of an Indian, which includes the health and welfare services.

We would request that this parliamentary Committee on Indian Affairs make a clear interpretation on this vital matter.

In the matter of income tax question, the British Columbia Indians claim that under the thirteenth article of the Terms of Union, they are tax exempt. This has been denied by the federal authorities. We believe nothing less than a judicial decision by a proper court will ever satisfy the Indians on this controversial issue. The demand for a decision of this matter is quite insistent.

In reference to the Indian land Question of British Columbia the Indians believe that the aboriginal titles to the land of British Columbia have never been extinguished.

Under the departmental ruling the Indian who is away from his village for eighteen months—it is six months now—is denied welfare and medical assistance. The government stand on these matters has been taken on administrative opinion only, without reference to a court for a judicial opinion.

We suggest, therefore, that this committee should undertake to refer such issues for judicial decisions. Until this is done the Indian cannot feel that he is treated in justice and equality before the law.

6. In its report of June 22nd, 1948, the joint parliamentary committee recommended as follows:

10. The director of the Indian Affairs branch...should be named a commissioner who shall have the rank of a deputy minister and shall have at least two assistant commissioners of whom one should be a Canadian of Indian descent.

We regret that the recommendation pertaining to the assistant of "Indian descent" has not been implemented to date. In this connection we note that the Right Honourable John G. Diefenbaker said in parliament July 2nd, 1956: "One of the things that might be achieved in that connection is to give more Indians an opportunity to be installed in administrative positions not only in the field in the reserves but in the administration of the department here in Ottawa".

If this committee will carry out the recommendation of the parliamentary committee in reference to the appointment of the Indian assistant to the director of Indian affairs branch it would be a source of pride for the Indians and a tangible symbol of recognizing that the Indian is attaining his place in the administration of his people.

7. In 1927 a joint parliamentary Committee recommended a grant of \$100,000.00 annually to the Indians of British Columbia. The terms of administration were laid down by that committee without reference to the Indians concerned.

We believe that the terms of administration should be re-examined to gain more equal benefits and in line with present day requirements.

### *Education*

A more intensive educational program among the Indians is a necessity. Education is the only door through which he must pass from his traditional way of life into modern society. Education and spiritual progress destroy the barriers of discrimination. Integration is a must to which there is no alternative.

The Native Brotherhood of British Columbia views with approval the integration of Indian children into the public school system of British Columbia.

The results have been noticeable. We cannot stress too strongly that with academic advancement, there is an urgent need for technical and vocational training.

The day of denominational education has outlived its usefulness. The Native Brotherhood of British Columbia would request that there be only one curriculum for Indians and non-Indians and the Indian children be taken into the public schools starting at grade one level.

It is with appreciation we note that scholarships have been made available to the Indian students. We hope this program will become more generous in the near future.

The Indian on the reserve battles for his existence in the face of an unequal struggle. With his limited resources on the narrow confines of his reserve, he finds it difficult to cope with the modern age that surrounds his world. However that this parliamentary committee sitting here to consider "his place in Canadian society" is a good augury.

We are presenting these views for the sincere consideration of this committee, on behalf of The Native Brotherhood of British Columbia, and trust that the opinions expressed will be accorded your favourable consideration.

This is signed by Robert P. Clifton, President of the Native Brotherhood of British Columbia and myself as chairman of the legislative committee of the Native Brotherhood of British Columbia.

The JOINT CHAIRMAN (*Mr. Dorion*): Dr. Kelly, in the name of the committee, I congratulate you upon your statement. It is very substantial and very clear. I am sure the members of this committee will bring to it all the attention it merits and deserves.

Before passing to the discussion of the problems involved, I would like to ask Mr. Clifton if he has anything to add to Dr. Kelly's statement. After that, if you have any questions you wish to put to either Mr. Clifton or Dr. Kelly, they will be glad to receive them.

Mr. CLIFTON: This was the joint work of our executive and we are here to present it to this committee for our organization. Dr. Kelly has taken the trouble to read the statement to the committee. If there are any questions, we will try to answer them.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you very much, Mr. Clifton. Gentlemen, are there any questions?

Mr. HARDIE: As Mr. Clifton said, the brief was drawn up by the executive; I wonder if the executive had the approval of the membership of the brotherhood in this presentation?

Mr. CLIFTON: Yes, it has.

Mr. HARDIE: All of the membership? Has it been presented to the various band councils for their approval?

Mr. CLIFTON: When word was out that a joint committee was set up we, in turn, sent out circulars to all our branches and told them what we were going to do; our executive was called and we discussed the matter and then the brief was drawn up.

Mr. HARDIE: Would you then say there is unanimous support among the band councils of British Columbia?

Mr. CLIFTON: It is among all the groups that we represent.

Mr. HARDIE: All the band councils?

Mr. CLIFTON: Yes, all the bands; we do not go behind them. Whatever we have to do or present to the government, either provincially or federally, we always contact our membership.

Mr. HARDIE: Well, all I want to know is this. You say then that you have the unanimous support from all the band councils in connection with all the points you have brought up here.

Mr. CLIFTON: Yes.

Dr. KELLY: Mr. Chairman, ladies and gentlemen. I might add to that by saying our organization had its convention at Prince Rupert last December and before us was a letter from the Minister of Citizenship and Immigration, the Honourable Ellen Fairclough. It did not give a definite outline, but a short outline of what this committee would be expected to do and, in the light of that, that convention took into consideration the things in principle which we have brought before you today.

Mr. HARDIE: You had approval in principle on all the points that you have presented?

Mr. CLIFTON: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): Now, I would like to have some information. How many members have you in the organization which you are representing, and what is the population of all Indians in British Columbia?

Dr. KELLY: What is that?

The JOINT CHAIRMAN (*Mr. Dorion*): How many members are there in the organization you represent here this afternoon?

Dr. KELLY: In other words, how much of the population of British Columbia?

The JOINT CHAIRMAN (*Mr. Dorion*): What percentage of the Indian population do you represent?

Dr. KELLY: I would say that we represent the greater part of the Indian population of British Columbia.

Mr. HARDIE: How do they get membership in your organization; do you have a fee?

Mr. CLIFTON: Yes, we have.

Dr. KELLY: Yes, we have a membership fee for the members, and then the ladies have the sisterhood organization, supporting our organization; it is a subsidiary organization of our brotherhood, and that covers the whole province. We had our last meeting at the home of Senator Smith in Kamloops. We were called by the the people up there and we had a grand meeting with them. They had been a little aloof in the past, but they have indicated a desire to work more closely with our organization.

Mr. McQUILLAN: Do you know how many bands are members of the native brotherhood?

Dr. KELLY: When you talk about "bands", probably "tribes" would be a better way of expressing it.

Mr. McQUILLAN: Yes.

Dr. KELLY: Because a band is just one village, when we talk about band councils; a tribe is much larger than a band.

Let us say we start right from the far west. Out in the Pacific are the Haidas and in the mainland right up to Alaska are the Tsimshian people which, I think, is one of the largest groups we have. Then, coming down the coast, we have smaller groups, the Bella Bellas, the Bella Coolas, and the Kwakwiltl, which extends up to Queen Charlotte Sound, and right down to Comox. South of that we have the tribes that are known as the Ankomenum people, the Cowichan, the Songhees and the Saanich people, and also the mainland of British Columbia bordering on the Gulf of Georgia. And then, going up the interior from the mouth of the Fraser river, we have a number of tribes. I cannot say that I could name all of them, extending right up to the interior.

Further up we have the Shuswap tribes and the tribes around Merritt, Kamloops and the Okanagan valley. Then, going up the Skeena river, the people who are very well known to my friend, Mr. Howard here, the member for Skeena, we have the Tsimchian, but their language is a little different. Then, going north of that, up the Naas river, we have the Nisgha people.

Now, all these tribes are in our organization and they are members of the Native Brotherhood of British Columbia. There are also several others that I cannot remember. Also, the people on the west coast of Vancouver island are all members of our organization.

Mr. HARDIE: I think Dr. Kelly would know offhand how many members are paid up members of the organization. I think either Dr. Kelly or Mr. Clifton would know that.

Mr. CLIFTON: The one I really have in my head is the fishing group; we have 2,000 fishermen. They are the ones we can keep track of because their dues are higher than the others.

Mr. HARDIE: How many paid up members altogether have you, including the fishing group?

Mr. CLIFTON: That is what I am trying to think about now. I forgot to ask our secretary just before I came out for the total number of paid-up members.

Mr. SMALL: Would it be fair to say how many reserves you represent? Could you say what proportion of the reserves you represent?

Mr. CLIFTON: Around 30 or 40.

Mr. MCQUILLAN: I think Mr. Clifton might want to correct that because there are something like 1600 reserves in British Columbia. I know you represent a lot more than that.

Mr. BARRINGTON: According to the information we have, there are 204 bands in the province of British Columbia. Could you give us an idea of what percentage of that 204 belong to your organization?

Mr. CLIFTON: There would be about 50 per cent.

Mr. BARRINGTON: About 50 per cent?

Mr. CLIFTON: Yes, because a lot of them sign up their names with us, and we know they cannot afford to pay the fee. We take them in.

Mr. BADANAI: What do you charge as a fee?

Mr. CLIFTON: To the fishermen, we charge them \$20 a year.

Mr. MONTGOMERY: Is that for a band or just an individual?

Mr. CLIFTON: An individual. On top of that each local would add, maybe, a dollar, two dollars, up to five dollars, up to ten. Some of them pay up to \$20 a year, as a yearly fee. They keep that for their expenses. When there is something to stir up they can afford to pay the way for whoever they select out of the local. Our general fee is \$5 a year, and \$1 to the women folks. That \$5 is the standard fee; that is what our constitution allows, but we have made assessments through the years.

Mr. MCQUILLAN: Mr. Clifton, is there any provincial Indian organization in British Columbia other than yours?

Mr. CLIFTON: There are little groups here and there; but it is just a grouping together, without anything like that. We are the only one in the province of British Columbia that is under the societies act and associations of Indians.

Mr. MARTEL: Since this is a native brotherhood, am I right in assuming that if a person was born in B.C. they could be elected as a member even if they were not an Indian? Let us say, if he was a fisherman, he could join your group—is that the kind of group that would include those people?



Mr. CLIFTON: Our organization is an Indian organization, but we have a lot of good fellows that run these big seiners; and we have quite a grudge between the two groups, with the united fishermen and allied workers' union. These fellows come on our boats and we ask if he is a member of the united fishermen and allied worker's union, and if he says, "yes" we ask to see his card, because we do not want to be closed. We tell them, "You go and join that union before you come on the boat". They say, "No, we would not do that. What is the fee you fellows collect?" We tell them, and they say, "We would like to come on with you". Then, during the fishing season, they come on with us.

Mr. MARTEL: Even if they are non-Indian?

Mr. CLIFTON: There are a few non-Indians, but only ones on fishing boats during the fishing season.

Dr. KELLY: I do not think non-Indians amount to any more than 20 men.

Mr. CLIFTON: We do not take them in because we want to be on the safe side of things, but we make them honorary members.

Mr. CADIEU: Is there anything in your constitution that would limit your organization to British Columbia alone?

Mr. CLIFTON: This is the membership, you mean?

Mr. CADIEU: Yes, the membership in the organization?

Dr. KELLY: That is true. Our constitution permits only Indians to be members of our organization.

Mr. CADIEU: From the province of British Columbia only?

Dr. KELLY: Yes.

Mr. CADIEU: You do not allow any members from any other province?

Dr. KELLY: We confine it to the province of British Columbia. We realize that is quite big enough for us.

Mr. CLIFTON: There is nothing in our constitution to say—like Senator Gladstone, here, if he moved out to B.C. and if he wanted to join, we know that he is an Indian and we would gladly take him in.

Mr. CADIEU: Are there similar organizations that you know of in other provinces, similar to your organization?

Mr. CLIFTON: The Senator has a group in Alberta. Then there is Andy Paull, who has the North American Brotherhood, that is supposed to be from coast to coast.

Mr. CADIEU: That is why I asked, because I know Andy Paull.

Mr. CLIFTON: I do not think they are as constructive as we are.

Mr. BADANAI: Do you enjoy pension benefits from this association?

Mr. CLIFTON: Pardon?

Mr. BADANAI: Does a member benefit by means of a pension, in the event of death?

Mr. CLIFTON: Just at our last executive meeting we talked about it, and we figure to have that going in October. We will have something like \$100—we are going to start with \$100 of benefit fund. In case one of our members happens to get into an accident or maybe his home is burnt down, well, that is where that \$100 will go, or on funeral expenses.

The JOINT CHAIRMAN (Mr. Dorion): Mr. Howard?

Dr. KELLY: There is nothing in existence now.

Mr. CLIFTON: It will start in October.



Mr. BADANAI: As a form of insurance?

Mr. CLIFTON: It will be something like that.

Mr. HOWARD: I wonder if I might ask Dr. Kelly or Mr. Clifton to expand on some of the points raised in their brief?

The JOINT CHAIRMAN (*Mr. Dorion*): On this matter, if you have no objection, I would like to make a remark. I understand that you have put your preliminary questions, before going into a consideration of the brief. Perhaps in dealing with this brief we should question the witnesses respecting one section at a time; but, before that, if you have any preliminary questions you wish to ask—

Mr. SMALL: Did they get it cleared up, to the extent of who you represent and how many are in your organization? Is that cleared up to everyone's satisfaction?

The JOINT CHAIRMAN (*Mr. Dorion*): That is a preliminary question. Would you repeat that, Mr. Small? Will you repeat your question?

Mr. SMALL: There seemed to be a question regarding the membership you have, and you did not give the total number in your membership. You got talking about pensions and all that. The question was put as to what was your membership, and who was eligible to join it. A lot of them would be under age and should not join. The total Indian population is 35,000.

Mr. CLIFTON: The population of British Columbia is about 36,000.

Mr. SMALL: How many would belong to the organization, in round figures?

Mr. CLIFTON: The fellows who wanted to join and have not the money to pay the fee would be on our rank and file, when we take them in and put their names down, and we try our very best to do some good to them. I think it will run to around 15,000 or 20,000 of the 36,000 native Indians in British Columbia.

Mr. SMALL: You have a 35,000 population there, with 204 bands, and 1629, if divided up, would mean there would be only about 21 on each reserve, if equally divided among them; and in any band about 170, so you would have difficult obstacles of trying to contact your membership with the stretch-out of the province. In these 1600 reserves, in which contact would be difficult, it would be pretty difficult to establish anything like a coordinated organization.

Senator MACDONALD: I think what the committee should be interested in is what is the total Indian population of British Columbia. That is what we are interested in.

Mr. SMALL: It is 35,000.

Dr. KELLY: Colonel Jones can answer that.

The JOINT CHAIRMAN (*Mr. Dorion*): You have an answer in this review of activities.

Mr. BALDWIN: Does the association keep a record, or have you a record or register of your members? Is that available—any comments of your secretary?

Mr. CLIFTON: Yes. We have a record and we will gladly send that in.

Mr. BALDWIN: Could we let that matter go, and receive a letter from the secretary, to be read into the record of this committee, which we would accept as being an official statement from the association as to what the membership is?

The JOINT CHAIRMAN (*Mr. Dorion*): It would be possible for you to supply that statement?

Mr. CLIFTON: Yes, it would be possible.

The JOINT CHAIRMAN: Have you any other preliminary questions?

Mr. MONTGOMERY: There is one other question, Mr. Chairman. When this letter comes in, I wonder if, in addition to the actual membership—I think what we are interested in is what percentage of the total population do you represent? I mean, how many people follow you, follow your brief here? Do you get what I mean?

Mr. CLIFTON: Yes.

Mr. MONTGOMERY: Support this brief. You may have only a membership of 50 per cent, but it may be 80 per cent of the population support your brief. That is what I think we are interested in.

Dr. KELLY: I would say, Mr. Chairman, in reply to that question, that of the 35,289 Indians in British Columbia we represent at least 20,000. I think I can say that without any hesitation. Our organization is a core of the more progressively minded Indians in British Columbia. There are active members who support the organization, and there is a large body of Indians who give moral support but not active support in the way of paying their membership fees. But they follow us. They take our leadership.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any preliminary questions to put?

Senator MACDONALD: I have a dozen questions here. I know I cannot put them all in, but there is one here which I would like to ask.

The JOINT CHAIRMAN (*Mr. Dorion*): I believe the best way would be to take the brief paragraph by paragraph. Have you any questions on paragraph 1?

Senator MACDONALD: My question has to do with page 2.

The JOINT CHAIRMAN (*Mr. Dorion*): If you will wait for a few minutes, please, it will be in order. Have you any questions to put on paragraph 1?

Mr. HOWARD: When you speak of paragraph 1, do you mean down to number 2?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes, I mean section 1.

Mr. BALDWIN: I have a question on section 1 which has to do with the vote. I wonder if Dr. Kelly would explain this question of the vote. Does he feel that the franchise should be extended to individuals as individuals who participate in the election or the constituency, or does he feel the situation should exist as it does, I believe, in New Zealand, where the native population elect so many Maoris to the legislature?

Dr. KELLY: Mr. Chairman, I must confess something that I do not feel very happy about. My hearing is not as good as it might be, consequently I miss many of the questions that are being put. So if you ladies and gentlemen when you ask your questions—as far as directing those questions to me—if you would raise your voices so that I can understand clearly, I would greatly appreciate it.

Mr. BALDWIN: My question was this: do you think on this question of the vote, that the vote should be extended to Indians in the same way as it is to other people in Canada, in the sense that they would vote for a member in their constituency, or do you think that they should elect all over Canada so many Indians who would represent them in the house in the same manner as it exists in New Zealand, where so many Maoris are selected to represent the native population there?

Dr. KELLY: In answer to that, we believe that if the vote were given to the Indians, they would vote within the constituency where they are located, where the band is located, or where the members are located.

Senator MACDONALD: I would like to ask a supplementary question. I understood that they did have the vote at one time. Why was it taken from them?

Dr. KELLY: I am afraid I cannot answer that question.

Senator MACDONALD: All right, that is your privilege.

Dr. KELLY: It was long before my time.

Mr. HARDIE: I wonder, following Senator MacDonald's question, if the Indians of British Columbia ever did have the federal vote?

Mr. CLIFTON: Not that I know of. I think the only ones who had it were in the armed forces.

Dr. KELLY: Outside of veterans, no Indians in British Columbia—Indians living on the reserves, that is, operating in their traditional way of life, have ever voted federally.

Mr. HARDIE: Or had the opportunity to do so?

Mr. PICKERSGILL: Except the few who have signed the waiver.

Dr. KELLY: Yes, that is all. But I do not know how many signed the waiver.

Mr. PICKERSGILL: Very few.

Mr. SMALL: I think you will find that the Indians were given the vote under Sir John A. Macdonald, but that it was taken away in 1900.

Senator MACDONALD: Did they not have the vote at one time, before it was taken from them?

Mr. PICKERSGILL: Perhaps we might have the historical research later on.

The JOINT CHAIRMAN (*Mr. Dorion*): On that precise question, Mr. Jones tells me that he has some notes which he is ready to give if you would like to hear him now, concerning that problem.

Mr. PICKERSGILL: I suggest that since this has nothing to do with the brief which is before us, and since Mr. Jones is here all the time, and we could hear from him at any time, and as many of our members want to ask questions on the brief, we should stick to that procedure.

The JOINT CHAIRMAN (*Mr. Dorion*): Very well.

Senator MACDONALD: I agree with you there.

The JOINT CHAIRMAN (*Mr. Dorion*): On that precise question have you any other questions to put, concerning the federal vote?

Mr. HOWARD: I wonder if I might ask Dr. Kelly if there is any opposition among the Indians of British Columbia to the federal vote being granted? Are there any people opposed to it, or who say that it should not be granted?

Dr. KELLY: Yes, there is some opposition, as we have said here because they think that whatever aboriginal rights they still possess would be taken away from them if they exercised the federal vote. That has come up again, and that viewpoint, I think, has been exploited by some people.

Senator MACDONALD: I hope that the Honourable Mr. Pickersgill was not involved in that.

Mr. PICKERSGILL: I have always taken the opposite view, as Dr. Kelly very well knows.

Senator FERGUSON: I think about two years ago the National Council of Women met in British Columbia when they passed a resolution supporting giving the vote to the Indians. I believe that in a day or so there were press comments that emanated, I think, from some of the Indians, that they would rather the council would tend to their own affairs. That would not have come through your organization, would it?

Mr. CLIFTON: No.

Senator FERGUSON: You would be glad of the support of another organization, or from such a one as that? You would be willing to accept the support of such an organization as the National Council of Women?

Mr. CLIFTON: Yes, we would accept any support from any group.

Senator FERGUSON: You would welcome it, I suppose.

Mr. CLIFTON: Yes. And the same thing happened when the provincial vote was going to be given to the native Indians. Headed by Andy Paull and the late Frank Assu, they had a big rally at Kamloops where they said they would not have anything to do with the provincial vote. But our group thought it over and we figured that our group should go ahead and ask for this provincial vote, because there were reasons.

When the provincial vote was granted without any strings attached, things seemed to clear up in the Province of British Columbia for the native Indians. Today we are granted the vote, and we even have a voice speaking in the house, and there is a lot of cooperation between non-Indians and Indians there.

The children are integrating in the schools and everything is working fine. The department has closed down some of the schools and they are transporting the children from here and there. If we had not got that vote, we would still have been where we were a few years back. So we figure that with the federal vote we would be much ahead, and we feel that when we get the federal vote we will be side by side with the true citizens in the Dominion of Canada.

Mr. McQUILLAN: I wonder if either of the witnesses could tell us the approximate percentage of Indians who cast their vote in the last provincial election in British Columbia?

Dr. KELLY: I think, Mr. Chairman, that the percentage of Indians who cast their votes who were within the reach of polling stations would be greater than the rest of the population. The Indians do exercise their franchise. They vote.

Mr. McQUILLAN: Can you give me any indication of a poll such as at Alert Bay where there is a big Indian population, and the percentage of those who would be entitled to vote and who voted at Alert Bay?

Mr. CLIFTON: I think it would be just about 100 percent or around that figure in that district.

Senator MacDonald: I thought you were trying to find out if they voted for you or not. You had better be careful.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any other questions on that problem? If not, the second section has to do with representation in parliament.

Mr. HOWARD: And in the Senate?

The JOINT CHAIRMAN (*Mr. Dorion*): Not only in the Senate, but in the House of Commons too.

Senator MacDonald: What page are you on?

The JOINT CHAIRMAN (*Mr. Dorion*): At the end of the first page, the quotation of the Prime Minister.

Mr. MONTGOMERY: That is just a quotation.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes, it is just a quotation. Have you any comment on that point, or any question on that point?

Mr. HARDIE: On the second page he says:

We earnestly hope that the Prime Minister and parliament will now give the Indian people more representation.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.



Mr. HARDIE: Does the brotherhood in that case mean they wish to have the federal vote, to vote in the constituencies in which they live? As Mr. Baldwin suggested a moment ago: Do they want a member or a number of members to represent the Indians in Canada elected by the total Indian population? I think Mr. Kelly answered that a few moments ago by saying that in this section on page 2 "only" refers to the brotherhood's idea that the federal government should give the Indians in Canada the right to vote.

The JOINT CHAIRMAN (*Mr. Dorion*): That is right.

Mr. HARDIE: It does not go beyond that.

Mr. SMALL: I think he qualified it when he said that they should have the right to vote the same as anybody else, at the very poll where they lived.

Mr. HARDIE: Does that mean a second senator?

Dr. KELLY: A second senator!

Mr. BARRINGTON: Does that mean an Indian representative, or somebody to represent the Indians?

Mr. CLIFTON: You know that when the provincial vote was granted to the native Indians, that whoever they voted for—that man did some work for them.

Mr. BARRINGTON: In your first statement you do not necessarily mean it should be an Indian representative?

Mr. CLIFTON: It could be.

Mr. BARRINGTON: It could be, but you do not mean that it must be that?

Dr. KELLY: Mr. Chairman, might I tell this story? Mr. McQuillan was kind of trying to get me to say something about that. I was nominated for the constituency that my friend, Mr. McQuillan now represents—for the House of Commons—and I do not think there would have been very many Indians voting for me simply because I was an Indian. I think the voting would have been just the same as they did for any other candidate, measuring the merits of the candidate. Our Indian people are very good judges of character and the measure of a man, and they vote accordingly.

Senator MACDONALD: In other words, they have minds of their own.

Mr. BALDWIN: I suppose what the sentence means is this: they want the same privilege as countless thousands of other Canadians—to be able to write to their representative and say why is he not doing such and such for them?

Mr. CLIFTON: Quite right.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any other questions on this part? The third section refers to observations on the Indian act and administration.

Mr. MCQUILLAN: I notice that you stress the desire for the elimination of the power of veto by the minister and Indian affairs branch officials. Can you give us some explanation of how this veto is used and, perhaps, how often it is used?

Dr. KELLY: I suppose it is more noticeable in band meetings where that veto is exercised—or can be exercised, and has been exercised. That is to say, a band of Indians can have a meeting through its elected councils. Each village has councils and they decide on things. This is in the past. They can decide, and have decided on things which, in the mind of the superintendent of Indian agencies is not as it ought to be, regardless of how the village council voted—the representatives of the people. He can say, "No" to it, and has said, "No" to it.



We say this, it is only by exercising their thoughts, their intelligence, that they will ever learn the meaning of democracy. This voting is a serious business. When they have decided on something and later realize that it has been wrong, that is the thing that they will profit by most. Some one has said, once upon a time, that experience is the only thing that we learn by; all other things are hearsay.

Mr. MCQUILLAN: Have you any more to say, Dr. Kelly? I want to follow this question a little further. What recourse do you have to appeal from that veto, if any?

Dr. KELLY: None.

Mr. MCQUILLAN: None at all.

Mr. PICKERSGILL: Mr. Chairman, I was going to ask Dr. Kelly if he had ever known of any occasion when section 112 was used. My recollection is that it has never been used. Of course, in my own opinion—as Dr. Kelly knows very well—it should not be in the act and should be taken out at the next revision. I quite agree with his view.

This idea of compulsory enfranchisement is quite wrong; the Indians should decide for themselves whether they want to be enfranchised.

Mr. MARTEL: Who put it in there?

Mr. PICKERSGILL: It was put in by the minister, or a member of parliament.

Mr. HOWARD: I have some thoughts here, and I may still deal with this section 112, the compulsory enfranchisement section, inasmuch as Mr. Pickersgill raised it. It has been used on two occasions, but only where the band requested enfranchisement. We discussed this the other day, Dr. Kelly, when another representation was made to us by the six nations elected council, to remove section 112, and the Minister of Citizenship and Immigration, at that time made the comment that she thought it would be taken out anyway, that it served no purpose in there and would be removed—which I am sure will be pleasing to you.

But I wondered if I could get your views on this. It would appear to me that section 112 sets up an arrangement for a committee to be appointed to study the question of enfranchising a band, and whether or not a committee—which would have represented on it, as the act sets out, a member of the band, or an Indian, and a judge, I believe it is, and someone from the department—those three people constitute the committee to study the enfranchising of a band, for instance. I was wondering whether that machinery could not be maintained in the act, but only used where a band—such as the Metlakattla people—had applied for enfranchisement of their own volition.

Dr. KELLY: That would be applying for enfranchisement, would it not—not compulsory? Section 112 deals with compulsory enfranchisement.

Mr. HOWARD: What I mean is—if I can look at the act and tell you what I have in mind: it reads:

The minister may appoint a committee to inquire into... certain things:

...whether or not the Indian or the band has applied for enfranchisement.

I wonder whether the removal of that, and making this section only apply where a band has applied—where it has said, "We would like to become enfranchised"—whether there would be some purpose served in maintaining the machinery of setting up a committee, if it was desired to do that, to study this question in which before a judge, an officer of the department and a member of the band would be represented?

Dr. KELLY: If you take away the compulsory feature of it, that is all that is necessary.

Mr. HOWARD: That was my thought—whether you might be of the opinion that the committee itself be of some value, only on voluntary application?

Dr. KELLY: When they apply for enfranchisement?

Mr. HOWARD: Yes, when they apply?

Dr. KELLY: I would think so. That would be in order, I would say. It would change that compulsory feature.

Mr. HOWARD: Yes. In part (d) of this recommendation, about half way down, reference is made to the revolving fund and to increasing it from \$1 million to \$5 million.

I wonder if you have any experience to recount of difficulties that Indian people have had in applying for and in not being able to get loans from the band fund?

Dr. KELLY: The bank, of course—

Mr. HOWARD: Excuse me—from the revolving fund.

Dr. KELLY: I could not tell you that. I would say the revolving fund, because of its limited amount, is given only to those who are hand-picked—if I may use that term—whereas we feel that there are many Indians who are compelled to make their living but could do better in the way of meeting competition from the outside world if they had better equipment—and equipment means money. And the money can only come from that revolving fund because they cannot go—in the ordinary way—to the banks for loans—as we say—because of the implications of section 88 of the Indian Act. They cannot give a security of anything on the reserve if they get a loan.

Mr. HOWARD: There is a provision in the act now, Doctor, that actually allows a band council, or a band, to have complete control over the administration of its own band funds. But I understand that has only been granted to one band of Indians. Would it be in this field that the band council meeting, deciding to do something which involved, say, the band fund, and then for the Indian agent or superintendent, to veto that? If more control over band funds were given to band councils, would that overcome, to a degree, this veto question and would it—as you suggested—allow the band councils to be experienced in dealing with their own affairs and become more proficient?

Dr. KELLY: I believe that if the bands were given more responsibility in dealing with band funds, and not have the superintendent of Indian Affairs sort of exercise his position arbitrarily, it would be acceptable. That is to say, I think they should come together very closely and I think, instead of taking the position of a man who has, oh, inherent right, that attitude taken by a superintendent of the agency, that if he came to the people, the band council and the members of the band and talked to them very frankly and told them what he thinks why he thinks certain things should be done, Indians are reasonable people; I think they would see his point of view.

But this arbitrary action I think is the thing that rubs people the wrong way all the time. There must be a more humane attitude, and in that connection I think I can say this: there has been—especially in British Columbia—since the provincial vote has been given to the Indians, a more noticeable change there in that regard. The Indian is not exactly as he used to be; he is a citizen of the province. But being denied the federal vote, his influence does not extend to federal affairs. We had nothing to do with putting Mr. McQuillan into the house.

Senator MACDONALD: It might be too bad for you.

Dr. KELLY: —because we had no vote in putting him there. Otherwise we would have exercised our franchise for or against. There we feel we are hemmed in by things beyond our control altogether.

Senator MACDONALD: I would like to refer to 3(b) on page 2.

We believe departmental officials should not have the power of a Justice of the Peace in trying Indians' cases. We believe all infractions of law should be tried in the same court as for all the inhabitants of Canada.

Is there not also a line drawn somewhere where Indians are tried in courts?

Dr. KELLY: I beg your pardon?

Senator MACDONALD: Where Indians are to be tried in our civil courts. Is it not customary if an Indian commits a misdemeanour that he is tried in the civil court? Where is the line drawn?

Dr. KELLY: It is true he is tried in a civil court where a civil court is available; that is being done now. One who condemns an Indian's actions and is his judge at the same time we think is not right. On an Indian reserve a superintendent knows the faults and weaknesses of his people. When he sits in judgment over anyone, knowing that, we feel there is a tendency to be biased either one way or the other. The Indian should be tried in the ordinary courts, just the same as any other inhabitant of Canada.

Senator INMAN: They are always in our province.

Mr. PICKERSGILL: I wonder if we might ask the director if he would tell us how prevalent this practice is of having superintendents act as justices of the peace?

Mr. H. M. JONES (*Director of Indian Affairs*): We have one superintendent at the present time in British Columbia using the powers of a magistrate. He is at Fort St. John. When this act was rewritten we revoked the authority of 53 Indian superintendents across Canada because in the administration we wholeheartedly believe in that recommendation. I can speak feelingly. I was an Indian agent and I had this power of a magistrate. I certainly realized how inconsistent it was on the one hand to be friend, philosopher and guide, then on the next day be a justice of the peace. It just is not sensible.

We have probably seven requests from all over Canada which I objected to as strongly as I could, but eventually I had to recommend to my superiors that for certain reasons, due mainly to geographic isolation, a certain superintendent be given this magisterial authority. However, to all intents and purposes it does not exist. I think there is only the one at Fort St. John in British Columbia.

Mr. PICKERSGILL: That is what I thought.

Mr. BALDWIN: Then according to what you say sections 105 and 106 are superfluous?

Mr. JONES: They might seem to be superfluous, but in certain areas we feel, that with the representations we get, it is useful to have an Indian superintendent have the power of a magistrate. It is only to fit isolated circumstances. We like to have persons learned in the law sit in judgment on Indians and not our staff.

Mr. PICKERSGILL: I take it it is a policy of the department never to have an Indian superintendent as a justice of the peace if there is any other practical way of dealing with the problem.

The JOINT CHAIRMAN: Would this be a good time to adjourn until 8:30 this evening?

Agreed.

## EVENING SESSION

THURSDAY, July 2, 1959.

8:30 p.m.

The JOINT CHAIRMAN (*Mr. Dorion*): Gentlemen, we have a quorum. Dr. Kelly and Mr. Clifton, will you take your places, please.

Before the adjournment, gentlemen, we were discussing subsection (b) of section 3 of the brief. It concerns the question of the Justice of the Peace. Have you any further questions to put to Mr. Clifton or Dr. Kelly?

Senator MACDONALD: Mr. Chairman, I think we have had a pretty full explanation of that. I was the one who asked the questions.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any questions in connection with subsection (c)?

Mr. MONTGOMERY: Have you come to subsection (c)?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes. It concerns compensation for the expense in time and effort in carrying out the duties of office.

Mr. MONTGOMERY: Concerning the question that they ought to be repaid in some small degree for the energy they display and ability they exercise. I was wondering who you would expect to pay this? I take it that there is a councillor in each band and there would be many, many councillors, would there not?

Dr. KELLY: The councillors of each band, yes.

Mr. MONTGOMERY: From where would you expect the money to come to pay them?

Dr. KELLY: There are a few Indian bands which have a fair sized capital fund. The Indian Act makes provision for them to be paid, but the majority of the bands—and I could not say what percentage, possibly 90 per cent—have no such funds. They work just as hard as those who have funds. We think provision should be made. We think that the government should set aside certain small sums of money to pay them.

Now, under the treaties in the prairie provinces and in Ontario, the chiefs get a certain amount of recognition by way of getting suits. They had suits made for them up until two or three years ago and now, as I understand it, instead of the sort of uniform they were given they can be supplied with ordinary every day suits every so often. Now, even a thing like that is a compensation of a kind. It is a recognition that they are doing a work that is useful to the band and to the community. I do not know how much we should be compensated; we are not thinking of any large sums of money. Sometimes people have to go away from their work, the kind of work they do, in order to participate in these council meetings. I have known some men who have lost their employment through having to go to their home village to participate in council meetings. That is the reason we say that a certain amount of compensation should be given to them.

Mr. MONTGOMERY: How often are these council meetings usually held?

Dr. KELLY: Not very often, because it is a little hard to get a quorum for councils to meet. With you people here in Ontario it is different because the communities are more or less settled.

Senator MACDONALD: May I correct that; we in this committee are from all across Canada.

Dr. KELLY: I said all across Canada, east of the Rockies, you are more or less settled. Out on the coast it is not so, because a good many of the men are engaged in fishing. They go away from their homes. Sometimes some



of them are engaged in logging and are away from their homes. Because of that, council meetings are not as frequent as they might be. However, they do have to have them when important questions arise and there are certain matters that have to be dealt with. We think that a certain amount of recognition should be given to them.

While we are on this subject, may I also state, Mr. Chairman, ladies and gentlemen, that the minimum members of the council should be raised say from three to at least five. Sometimes there are very important matters to be dealt with by a council and when the majority of the members are away they cannot get a quorum. If, in the smaller villages there were five members, I imagine three would make a quorum and they can attend to business; otherwise, whatever has to be dealt with has to wait. I think it can be a quorum when there is a small percentage of members present. Now, when I say this, I am taking for granted that you are aware of the Indian Act in this connection. I do not know whether or not you are—one for every 100. Now, in some of the smaller villages on the coast they do not have 100, so it would have to be say 200 and a fraction of the third hundred to make three members of a council. In our opinion, the minimum number of councillors should be at least five men; let me say, five persons.

Mr. MONTGOMERY: Thank you; that has answered my question.

Mr. MARTEL: Dr. Kelly, there are a few quotations in your brief which we noted this afternoon when you gave the brief. Here you have "petty tyranny", and one or two other expressions. Could you tell us where these quotations were taken from: are they from a former brief that was presented to the committee, or were they put in there.

Mr. MARTEL: On page 2, the same page, clause, (a), the second section of clause (a), and clause (c) also.

Dr. KELLY: Those words were taken from a speech made by a man who occupies the most prominent place in this government.

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Pickersgill, I suppose?

Senator MACDONALD: Was that John G.?

The JOINT CHAIRMAN (*Mr. Dorion*): Why did you not mention his name?

Mr. BALDWIN: It has already been mentioned today. Mr. Chairman, on that point Dr. Kelly brought up, I was looking through these treaties and there is a point that he makes there, that in treaty No. 3, for example, there is a provision for payment to chiefs of an annual salary of \$25 per annum, and to each subordinate officer \$15 per annum. Treaty No. 5 has a similar provision and treaty No. 11 has a somewhat similar provision, although the amount is different.

I imagine that is probably what Dr. Kelly has in mind; it is their ancient authority. But it does seem to bear out his contention that as far as the treaties were concerned, they laid down an obligation on the government to make annual payments to the chiefs. Those three treaties make that reference.

Mr. SMALL: Dr. Kell, it seems evident that there does not seem—I was going to say, system; but the same methods of selecting chiefs that exists in Ontario and eastern bands, or tribes, out in British Columbia.

You made reference to the head of the band and that he should be paid so much. Is there not a point in the selection of chiefs for the tribes, in the other tribes throughout Canada? You mentioned there that chiefs got so much for a uniform, or what was called dress—the ceremonial dress, I suppose.

Dr. KELLY: These days, it seems to me—

Mr. SMALL: My conception of the Indians is this: they are generally an organization that has chiefs, and they are heads.



Dr. KELLY: I think the term "chief" is used very cheaply these days. Every man who appears once or twice in the public eye becomes a chief. It was not so: the chief, in the old days, was a man who was born into his title; it was a hereditary thing—he inherited that, just the same as the nobility in England or in Europe. A chief was not made just because he happened to do something; it was inherited. Chieftainship goes back to centuries.

At the present time we have elective councils in the bands, and one of them becomes the head of that organisation and he is referred to as the chief—chief councillor. He is the chief councillor; that is the title given to him. But he is a chief only so long as he occupies that position.

Every two years there is an election. If he is voted out, he is through; he is no longer a chief. But some of them cling to their title as though it was bestowed upon them from time immemorial.

Mr. SMALL: That means the abolition of the word "braves", too, does it? I was under the impression that they had to work their way up; they became braves and then qualified at different times to become chief. I knew there were hereditary chiefs too; but I understood there was a method of qualifying for a chief other than being born to it.

Senator MACDONALD: I want to ask a question here, and I am going to read the paragraph:

Earning an everyday living on an Indian reserve is becoming more and more precarious. The economic position of the Indian must improve. He must be taught the value of systematic training in the broad fields of labour and education.

I wonder if Dr. Kelly would give us a brief on that?

Dr. KELLY: What paragraph is that?

The JOINT CHAIRMAN (*Mr. Dorion*): It is about increasing the revolving loan fund, paragraph (d).

Dr. KELLY: "Earning an everyday living on an Indian reserve is becoming more and more precarious"?

Senator MACDONALD: Yes, that is the one. Could we have an explanation of that, Dr. Kelly?

Mr. HOWARD: Mr. Chairman, I do not want to interrupt, but are we not skipping—

The JOINT CHAIRMAN (*Mr. Dorion*): Have you a question?

Mr. HOWARD: I was wondering whether we had completed the discussion upon the remuneration to band council members, and so on, because we are jumping over to something else.

The JOINT CHAIRMAN (*Mr. Dorion*): You have a question to put on that?

Mr. HOWARD: It was not a question particularly, but I wondered whether I got from Mr. Small's question the same thing that Dr. Kelly got from him. I understood Mr. Small to inquire as to why in the prairie provinces usually—and in the areas where treaties are in effect—there is payment to chiefs in the form of clothing, and there is no such payment to chiefs in British Columbia. That was the gist of it, I thought. I think probably, if that is the case, Dr. Kelly might explain the events leading up to no treaties being in British Columbia.

Dr. KELLY: In the prairie provinces the chiefs were given these suits because the treaty called for it; it was so stated in the treaties that were made. There were no treaties made in British Columbia.

Mr. SMALL: Following that up, I would just like to get one or two things clarified here. I will make some statements and forget about the quotations here. But I think the policy—at least, I understood the policy of the department

was that they were, wherever the opportunity presented itself, training some of the Indians on the reserve, or in the bands, to take over positions on the administrative staff, to help out. They, in turn would gradually assume the control of the different organizations—the councils, as you call them—and, wherever possible, bring it under the control of the Indians themselves over the years.

I think that was the avowed policy of the department—and from the way you talk, it seems that that is not in effect. Where has that fallen down; where it has not followed out the policy? Do you get me on that?

Dr. KELLY: I do not quite get the full import of your question, sir.

Mr. SMALL: The point was, they were going to train the Indian himself to take over some of the administrative and some of the executive work of the reserve, of the band—as you call it—or the council, so that with time he could be properly integrated into the Indian economy; and I understand that has been the policy, apart from the other question of education. It has all worked to that end, that eventually he would be one of the means of operating, say, the council, or the band—as you would call it—which would be more acceptable to the Indians because they would have their own people governing and administering the band.

Mr. PICKERSGILL: Mr. Chairman, perhaps I could assist Mr. Small a little bit. There was a policy in the department when I was minister—and I am sure it is still there—of trying to train Indians to take administrative jobs in the Indians affairs branch; but there was never any thought that we would in any way try to dictate who would be elected to the councils.

Mr. SMALL: I did not mean that.

Mr. PICKERSGILL: This paragraph here has relation to people who are elected to councils, if I apprehend it correctly. What the Native Brotherhood is suggesting is that the councillors should be paid, like municipal councillors are.

Mr. SMALL: I was trying to relate this question, before getting on to that, because Dr. Kelly seemed to think those in the administration were not just operating the way they would like it.

Mr. PICKERSGILL: You are thinking of paragraph (a) and not paragraph (c).

Mr. SMALL: I was trying to get it related so we could find out where the system was falling down and where it was not acceptable to the Indians.

After all, this is to try and keep the Indian happy and to integrate him into our system.

Dr. KELLY: It is not because this new way of ruling the people is not acceptable to him. I think our people are more and more becoming conscious of the fact that an elective council is better than being ruled by one man, it does not matter how good that man is or how wise he is. Therefore, the hereditary chiefs keep their names, but their authority is a thing of the past. It is the elective council that has the authority vested in it. Because they take time to sit on the councils and do the work, therefore we think it is a good thing if they were in some way recognized, and given some little compensation.

Mr. SMALL: I am perfectly satisfied with that. But I was just trying to find out where the policy of the department was failing. You have answered the question all right.

There is another thing. I noticed in the committee's report on the subject in Ontario some time ago, that they made mention of the provincial committee on Indian affairs of British Columbia. They seemed to be very happy with

it. It was one of the things the Ontario committee investigated, and they praised them very highly for the good work they were doing on behalf of the Indians out there, in connection with the Indian affairs department. I am talking about the British Columbia provincial government.

Dr. KELLY: Among the more progressive members of our people an elective council is the thing. Among the people that are isolated and backward, probably they cling more to the idea of a chieftainship ruling the people. But, gradually, the changing order is taking place. I do not think you can prevent it very long from coming into effect. All over the province of British Columbia—

Mr. SMALL: What I was trying to find out, doctor, was the work that this committee had done on British Columbia. That is, the advisory committee that was set up by the provincial government, or maybe set up by yourself, seemed to be doing good work with the Indians there, to make things better for them. I want to know how that operated.

Mr. PICKERSGILL: I am not wanting to restrict the discussion in any way, but we are here, surely, to examine the Indian Act of the federal government and not what the government of British Columbia is doing.

Mr. HOWARD: No, siree. I think Mr. Pickersgill is quite incorrect there. The terms of reference are broad and general, and deal with the whole economic aspect of Indians in the future, and everything else. The provincial governments play a roll in that. Certainly, in British Columbia, where we have an Indian advisory committee established under the jurisdiction of the department of labour, the function of that committee has an effect on the native Indians in that province.

I think they are probably quite entitled to inquire of Dr. Kelly his opinion, and the opinion of the native brotherhood of B.C., on the effectiveness or lack of effectiveness of the provincial advisory committee on Indian affairs, even though it is provincial in jurisdiction and has nothing to do with the Indian Act. It is still to do with the economy and social studies of Indians.

The JOINT CHAIRMAN (*Mr. Dorion*): I believe the wording of the reference is very broad.

Mr. PICKERSGILL: I have no objection at all, but the brief seemed to me to be dealing with matters over which we do have some jurisdiction.

Mr. SMALL: The reason I brought it in was because they had made reference to it, and I had come across it several times and wanted to find out if it was effective, or if there is anything we can glean from that which would be helpful.

Senator MACDONALD: Might I speak on this question of—

The JOINT CHAIRMAN (*Mr. Dorion*): You have no other questions on paragraph (c)?

Mr. SMALL: They are trying to find that out, and there is no answer to it.

Mr. BALDWIN: On the average, how many meetings are held in a month by the band councils, for which they would expect, under your suggestion here, to receive their remuneration?

Dr. KELLY: Sometimes once a month; sometimes less than that. It all depends on when they can get together.

Mr. MONTGOMERY: Might I ask, following that up, Mr. Chairman: what matters are dealt with at these little council meetings?

Dr. KELLY: I beg your pardon?

Mr. MONTGOMERY: What are the matters the council is called together to deal with?

Senator MACDONALD: Who has the authority for calling the meetings?

Dr. KELLY: That is a little hard to answer. All the problems pertaining to reserve life come up for them.

Mr. MONTGOMERY: Family affairs, a dispute between families?

Dr. KELLY: Not so much family affairs, but more business affairs than family affairs, and conditions on the reserve—some of the things a municipal council deals with.

Mr. CLIFTON: Mr. Chairman, there are quite a lot close to towns, and you are talking about family affairs. I think the general idea of these elected councillors, when it was passed, was to get the councils to know how to rule over those they have been elected to to govern in just the same way as any municipalities run by the mayor or by the reeve of that place. You have been elected to sit here and do likewise. If you were to come to me, and I were to ask you the question: "What do you do in Ottawa, in the House of Commons or the Senate? Are you there talking about your families?"—I think that was a very foolish question.

Senator MACDONALD: That is it. What do you do?

Mr. CLIFTON: These boys are today elected by their own bands. They try to do a good job, to learn the way you are running the government of today.

Mr. PICKERSGILL: You have two things mixed up there.

Mr. MONTGOMERY: I notice under section 80 the council may make by-laws?

Mr. CLIFTON: Yes.

Mr. MONTGOMERY: Does the council appoint a policeman like a municipality does to see these by-laws are carried out?

Mr. CLIFTON: Some of the places I know elect men for the health and welfare of that special village; or they elect a man who would be for fire hazards, and so on. They make these by-laws. Every time they have time they go and do that, for better sanitation and everything.

Mr. MONTGOMERY: There is no full-time person to see the by-laws are carried out? That is left to the elected council?

Mr. CLIFTON: Yes, but they elect a committee. The bigger reservations elect a committee.

Mr. MONTGOMERY: And the committee carries this out?

Mr. CLIFTON: These are the fellows they elect, and they are there to make up their by-laws; and I think they are approved by a superintendent—I do not know. In the places that I stay, the very small reservation, we are right in between two municipalities and we have our by-laws which have been approved by the superintendent.

Mr. MONTGOMERY: Maybe the reason for these council meeting is that you do not have any permanent employee to see the by-laws are carried out?

Mr. CLIFTON: No.

Mr. MONTGOMERY: The council has to meet to do that?

Mr. CLIFTON: Yes.

Mr. MONTGOMERY: That is what I was getting at. That is why you may have to have a meeting once a week, or, maybe, the next time, every two weeks?

Mr. CLIFTON: Yes.

Mr. MONTGOMERY: That is when these matters come up that have to be dealt with?

Mr. CLIFTON: That is true.

Mr. MONTGOMERY: Thank you very much. I think I have the idea.

Mr. MARTEL: Are there still many tribes or bands which have hereditary chiefs, or are all the chiefs elected?



Mr. CLIFTON: I think that in the province of British Columbia all chiefs are elected. Is that true? I think the majority are.

Dr. KELLY: The chief councillors are, not the hereditary chiefs.

Mr. CLIFTON: The majority are elected. That is true.

The Joint CHAIRMAN (*Mr. Dorion*): Mr. Howard?

Mr. HOWARD: No, that is fine. My question has been dealt with.

The Joint CHAIRMAN (*Mr. Dorion*): Mr. Small?

Mr. SMALL: I have a question in regard to the building or the erection of buildings on a reserve and about the length of time it would take. It should not be projected any longer than two years, when building a house. And he brought in the question of construction, that it was a fire hazard when they built it, and he noticed that the building of the chimney was in such a way that it would set the house on fire at a later date.

The Joint CHAIRMAN (*Mr. Dorion*): That comes under another paragraph.

Mr. SMALL: It did not seem to have any relationship at the time he brought it in, but I will wait for it.

The Joint CHAIRMAN (*Mr. Dorion*): Now, Section 3(d)?

Mr. MCQUILLAN: I wonder if the witnesses could outline for us the procedure in applying for a loan from this revolving fund.

Mr. PICKERSGILL: I wonder if perhaps the director could tell us, because this is surely an administrative matter.

Mr. MCQUILLAN: Excuse me, I would like to have the side of the witnesses, their impression of it, because they made the statement.

Dr. KELLY: The procedure in applying for loan from the revolving fund?

Mr. MCQUILLAN: Yes.

Dr. KELLY: The Indian who is in need of that goes to the Indian Superintendent of the agency who, if he approves of it, submits it to the Indian Affairs Branch here, the head office. Possibly it goes to the Indian Commissioner. I am not a servant of the department so I could not tell you all the steps necessary. But it comes here; it comes to Ottawa for final approval.

Mr. MCQUILLAN: Are you familiar with, or do you know anyone who has applied and been successful?

Dr. KELLY: Familiar with what?

Mr. MCQUILLAN: Do you know anyone in your area who applied for a loan under this fund and was successful in obtaining it?

Dr. KELLY: Yes; that is to say, some fishermen have applied for and have been granted these loans. I understand the system under which they work is this: it is for fishermen and loggers to; they have to put down 25 per cent of what they ask for, and then in time, of course, they have to make their payment, until the whole amount is repaid. Some may not be able to pay as quickly as others on account of conditions of labour that they are in. Consider, for instance. In some years it is good, and in some years it is poor.

Some returns are very good, and other times they are not so good. So it takes a little time for these people to make their payments. The same of course is not true of logging, because logging depends on how hard work and on the place you are working, let us say, where the timber stand is good, or where logging conditions are more favourable. So they are able to make far better payments because they make core money out of shows of that kind.

Mr. MCQUILLAN: Do you know, or can the director tell us, if there is a maximum loan that is available?

Dr. KELLY: I could not tell you that.

The Joint CHAIRMAN (*Mr. Dorion*): We can get that information from the director. But let us deal now with the witnesses who are here.

Mr. McQUILLAN: We were discussing this proposal to increase the fund to \$5,000,000.

Dr. KELLY: I would imagine that depending on the kind of business you do—for example, a gill netter would not get as much as a man engaged in the logging business. The loan amount for a fisherman might run to \$2,000, \$3,000, \$5,000 or probably up to \$10,000. But a man engaged in the logging business would need more than that. Probably he would need \$25,000 or more.

Senator SMITH: Section 4 of the regulations says that. The answer is there.

The Joint CHAIRMAN (*Mr. Dorion*): Mr. Howard?

Mr. HOWARD: I would like to make a couple of inquiries about this part (d). As I understand it loans are mostly made from the revolving fund for use on the reserves for equipment, or machinery, or business that is to be established on the reserves, and that relatively few loans are made for enterprises off the reserves, such as fishing vessels which are equipment off the reserves.

My thoughts in this regard are connected with the comments in the brief in the fourth paragraph from the bottom, where the brief says;

...the Indian is faced with the problem of making a living like any other citizen, and is doing so in the face of unequal competition in the Canadian economy.

I wonder about the extent to which assistance or loans from the revolving fund are made because that is what we are dealing with, and not only by an increase in the total amount to \$5,000,000, as you suggest, but also by an increase in so far as the loans are made for certain types of business or enterprises which might be off the reserve.

I am thinking in terms of the question of greater educational opportunities that are available to Indians, and it appears to me that there is a greater desire to participate in our society off the reserves, and as you suggest, to compete with other types of enterprises and businesses, and that they find increasing competition.

I wonder whether this might not be one way in which the department might assist Indians in the question, and by making loans in increasing amounts, and possibly by increasing the ceiling on a particular type of loan, if there is a ceiling, and making those loans applicable to business more so than they are at the moment; and that Indians might want to engage in activities off the reserves, so that they will have a much better opportunity to take advantage of the educational efforts they have received, and able to play a much greater role in society outside the reservations.

Dr. KELLY: Now, I think that is one reason, and I think that answers your question. This is one reason we had in mind when we said that earning an every day living on an Indian reserve is becoming more and more precarious.

In many instances Indian reserves are residences, not places where they can support themselves. Take the reserve to which I belong, the Skidegate Mission Indian reserve on Queen Charlotte islands. There is not a patch of ground that is good even for a garden as large as this room. It is rocky; it is gravelly; it is not an agricultural area. I think that reserve amounts to something in the order of 600 acres. It is mountainous and rocky. They had timber on that reserve, but they did not log it themselves because they did not have logging equipment; at least that is the main reason given to me. It was let to a white man from outside, a logger, who paid them so much stumpage. He logged it.

That timber is gone. They realized so much money for it, but in their capital fund it does not amount to a great deal. If any of the members of the band were to depend on earning their living on that reserve from the reservation it could not be done; there is no such a thing.

Senator MACDONALD: In other words it is gone?

Dr. KELLY: Yes, but there was not very much there to begin with. People who live there and earn their living have to go off the reserve. If they are fishermen they have to have good fishing gear, boats and equipment—boats with engines. These cost money. A troller would cost anywhere from \$10,000 to \$20,000; and that is not for a very large boat. Boats which used to be bought for \$500, when I was not very old, today could not be bought for much less than \$10,000. That is the situation. These people do not make \$10,000 a season regardless of what you hear. Sometimes someone does well and that seems to be broadcasted all over the country.

The average earnings of a fisherman are not very much. I do not think it amounts to that of a good carpenter on an average. Yet he has to engage in his seasonal occupation. During the season he is fishing he has to earn enough to keep him for the whole year. In order to do that he has to have good equipment. He cannot turn to the banks. The banks do not give him a loan because he cannot give the banks security.

Mr. SMALL: He does not have collateral.

Dr. KELLY: The only source to which he can apply now is the revolving fund. That is something new. That has been new during the last few years, since it came into existence. Indeed we need a lot of money. Even \$5 million I think is the absolute minimum you can work with. In writing this I was tempted to say \$10 million, but I did not want to have my head chopped off when I came here, so I did not dare say that. However, that is what it should be.

In the same way, a man who is engaged in a logging operation is not going to log on the reserve. He has to go elsewhere. He has to go to crown lands and engage in his occupation. That is what is facing him.

Mr. MCQUILLAN: Reverend Kelly, is it not true that in British Columbia, on the coastal area in particular, the reservations are not chosen with the idea of the Indians making their living on the reservations. They were chosen as a strategic area in which to live in proximity to fishing and clam beds and so on.

Dr. KELLY: Quite true.

Mr. MCQUILLAN: I wonder if this would be an appropriate time to ask if we might have a breakdown of the loans showing the various provinces. Perhaps that might be submitted later. Is it in the report?

The JOINT CHAIRMAN (*Mr. Dorion*): It is on page 20 of the Review of Activities.

Mr. BALDWIN: While you are looking that up, in reading section 69 it seems to be wide enough to permit loans to be made outside the reservation. It is a question of the interpretation placed by the departmental officials on the section, and the regulations which might be made under subsection 2. Section 69 is referred to in the brief and seems to be wide enough to apply outside the reservation. I suppose it is a question of policy of the department whether or not loans can be made outside the reservation for projects there or whether the regulations prohibit it.

Mr. MCQUILLAN: This statement on page 20 of the Review of Activities hardly gives the information I was seeking on this revolving loan account. I would like to have a breakdown by provinces submitted, not now, but at some later date. This gives only the total loans across Canada.

The JOINT CHAIRMAN (*Mr. Dorion*): The director will produce the information later.

Mr. MCQUILLAN: As complete a breakdown as possible?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes. Have you any other questions on this? I believe Senator MacDonald has a question?

Senator MACDONALD: Yes. I think we are at the bottom of page 2. I am interested in this. I think the Reverend Dr. Kelly already has mentioned something about this:

Earning an everyday living on an Indian reserve is becoming more and more precarious. The economic position of the Indian must improve. He must be taught the value of systematic training in the broad fields of labour and education.

Have you dealt with that or is there something you could add to it?

Dr. KELLY: There are so many things we have said which mixed into that. His traditional way of earning a living is slipping into the background; he has to go out into the world and be as well equipped as any workman today. He has to be not just a labourer but a skilled labourer. Now, that is what we have in mind. He has to have a better education. He has to have at least a high school education; that is becoming a necessity. He has to have vocational training and a technical training.

Senator MACDONALD: Dr. Kelly, is there anything to prevent him from having that up to this period?

Dr. KELLY: I beg your pardon?

Senator MACDONALD: Is there anything to prevent him from having that skilled education up to this period?

Dr. KELLY: Yes, his habit of living prevented him from attaining that education in the past. It is getting better slowly. In British Columbia, ever since the school act was amended to allow Indian children to go to public schools—and I must say this; I would like to say this before this committee—the Indian affairs branch has done a very fine work in that regard.

Senator MACDONALD: Do you mean the British Columbia branch?

Dr. KELLY: No.

Senator MACDONALD: The department here in Ottawa?

Dr. KELLY: Yes. It has assumed the cost of education. Let me give you an instance. In Nanaimo where there was an Indian school on the reserve, it is now a thing of the past; that is to say, it is a kindergarten at the present time, but a larger school was built closer to the Indian reserve, within the bounds of the city. To build that school the department of Indian affairs here gave that city a grant of so much. I do not know what it was—something like \$70,000, it seems to me—toward the building of that school so that the Indian children would come to that school—and they are attending it. Part of that school is their school. To provide for the teaching a certain amount is granted for very child. A pro rata grant is being made. That has put a little different outlook on it. You can see it in the minds of the younger children. They are mixing with the other children. They are not just Indian children anymore, thinking in terms of being Indians. Their playmates are non-Indian; their classmates are non-Indian, and they are sitting with them day by day. They walk with each other. Their thinking is much the same as the others. We expect more from that generation when they grow up.

Senator MACDONALD: I had some experience about 40 or 45 years ago in connection with the matter of which I am going to speak. You had an Indian industrial school out in the prairies and I imagine you had one in British



Columbia, where first class carpentry and shoemaking were taught; there was a separate school for the boys and a separate school for the girls. They had this and that, and everything else; is that still going on?

Dr. KELLY: No, I do not think so.

Senator MACDONALD: We called them industrial schools then.

Dr. KELLY: I attended a residential school; I know what you are talking about.

Senator MACDONALD: I imagine you do.

Dr. KELLY: I have been exposed to all that. Things are different today. There is no separation between the boys and the girls; they attend classes together. Of course, that is the way it should be. You were thinking of carpentry and so on.

Senator MACDONALD: Carpentry, blacksmithing and so forth.

Mr. HENDERSON: You do not need blacksmithing nowadays?

Senator MACDONALD: No, there are no horses now.

Dr. KELLY: I do not know that the present system is better, but they are going to vocational schools where they are learning differently and probably more systematically from the ground floor up. This will prepare them in a better way for their work-a-day world. Some are taking diesel engineering, but not very many. If they go through with that—and they must go through with it because time demands they have to go through it—they will become qualified. Men who are in the Seine boats have to qualify. While they have not done so, they have to become qualified skippers. They have to have tickets—the seine boat master's tickets—which entitles them to go out and be trusted—by steamship inspection. Now, these things come about, not by wishing for it, but by hard work and systematic training in the broad fields of labour, and education is once again—if I may use that word—a “must”. It costs money.

Mr. MONTGOMERY: Mr. Chairman, just on that point, I think that you would agree then that the policy of the department at the present time is all right, but you are urging us to forge ahead with it. Is that not what I gather from your statements? You are not complaining of this policy of education that the department is trying to put over now, are you?

Dr. KELLY: That is quite true.

Mr. MONTGOMERY: But you would like to see them push ahead with it faster?

Dr. KELLY: The policy on paper is all right.

Mr. MONTGOMERY: Well now then, tell us what is wrong with it in practice?

Dr. KELLY: We want to see it put into effect in actuality—a little more systematically rather than in a piecemeal fashion or a haphazard sort of way. You have to have trained men to see that these things are done. In that particular field, as we said—well, I am getting ahead of myself now; we refer to that at the top of the next page.

Mr. MONTGOMERY: Dr. Kelly, I would like to follow up my line of questioning. Of course, you are speaking particularly of British Columbia, but you did not mean for the department to sort of force the Indian children to go to school if they do not wish to do so, do you? In other words, there are parts of this country perhaps where the Indians have not yet decided that they want to go to the school of the non-Indian; have you any suggestions as to how that might be worked out? In other words, do you not think that we will have to educate them gradually up to this point?

Dr. KELLY: Well, if you do not press them, I do not know how they are going to get their schooling.

Mr. BADANAI: Nor would the white go if you did not force them.

Mr. SMALL: As I see the situation in British Columbia today, I think the set-up in connection with Indians and reservations is practically antiquated and out of date. It is not operating because originally it was meant to be a place where they could live. It was, more or less, what you would call a sanctuary and a haven where Indians could go if they could not make their way in the outlying sections. The whole set-up was to pay them treaty or other money and, if the reservation was large enough, to have farms for them on which they could work. In your particular area there are so many things off reservations in British Columbia it would be impossible to make a reservation out of it. There is not even a village, as far as he is concerned, to live in, and therefore he has integrated himself faster than any other part of Canada into the life of British Columbia in particular, which I am referring to now.

It does not seem to fit in with the concept of reservations we have in the rest of Canada, and therefore your problem is a different one to that which we have throughout the length and breadth of Canada. I think that is the way I see it now: It has to be given different treatment altogether. They have fisheries, they have logging, they have something altogether off the reservation, which in an ordinary business would be given a business loan; but in the set-up of the Indian department, they supply money for the Indian who is on the reservation so he can build a home or run a farm, doing work that is necessary on the reservation, and he is getting treaty money he has this paid to him. You have no Treaty; you have nothing. I can see that the whole set-up in British Columbia is altogether different than the rest of Canada.

Mr. CADIEU: I notice in the province of Saskatchewan, where for quite a few years now they have been getting much better Indian schools on the reservations, it was told to me by the principal of one of the schools I visited that many of the Indian children do not go further in school because they are going to school on the reserve all the time. When they get through grade school, they do not go any further, because then they must go out into the other schools where they are integrated, and they are shy and they get behind and get discouraged, and many of them do not go any further.

Taking notice of that, and many phases of construction that are going on on the reserve, we have very few yet, if any, Indian carpenters, young men coming in to even build their own houses. All these houses are let by contract and built by contractors brought in, which I do not think should be the case—or electricians, or anything, or in the later methods of farming. So I think this integration means an awful lot.

The Joint CHAIRMAN (*Mr. Dorion*): If anyone has statements to make, or recommendations I would ask them to wait until later, because the witnesses are not here for very long time. If you have any questions to put, I would prefer that those questions be put now.

Mr. McQUILLAN; Mr. Chairman; Dr. Kelly, in the last paragraph of section (d) you speak about a recent survey of the Indians of British Columbia by the University of British Columbia. Can you tell us something about that survey and what you hope to achieve, or what is hoped to be achieved?

Dr. KELLY: That was a survey made under Professor Hawthorn of the University of British Columbia. He had a team of something like 20 field workers to investigate every phase of life in British Columbia, with the idea of assisting them, or suggesting how they could fit themselves more acceptably into the body politic.

When we refer to that, it is more along general lines, because I have not got that report. It was rather an expensive report—I think it is \$10 for the report—and I have not felt that I could spare \$10 to buy it yet.

Mr. McQUILLAN: Who sponsored this survey?

Dr. KELLY: The department here, I believe—the Indian Affairs Branch, under the minister of Citizenship and Immigration.

It seems to me that I heard \$50,000 was given to that team to do the work—to make that research.

Mr. McQUILLAN: Mr. Chairman, at \$10 a copy it is pretty expensive for us all, but do you suppose we could possibly have some of those reports for our study here?

Mr. HOWARD: It is available in the library.

Mr. PICKERSGILL: You can get it free in the library.

Mr. McQUILLAN: There is only one there.

Mr. PICKERSGILL: No, there are several.

Senator MACDONALD: If we could get one report, we could mimeograph it, or something, and spread it around.

Lt.-Col. Laval FORTIER (*Deputy Minister of Citizenship and Immigration*): The report has been printed at the University of Toronto. It is not printed by the department at all.

Senator MACDONALD: You say it was got out by the University of Toronto?

Mr. FORTIER: That is right.

Mr. PICKERSGILL: The study was made by the department: we then gave the University of Toronto permission to publish it themselves.

Mr. FORTIER: There are some in the library here.

Mr. McQUILLAN: I think copies should be available for those interested in Indian welfare and for those of the Indians themselves who want it. It seems to me that this is a worthwhile service that could be done. I do not know how we could do it, but I think they should have those copies.

Senator MACDONALD: I think you are right.

The Joint CHAIRMAN (*Mr. Dorion*): Do you want to put that to the steering committee? Have you any objection?

Senator MACDONALD: Mr. Chairman, just before we close up, I want to make one statement. I know that all across Canada—I know it is down in my province—your boys—I mean Indians—are wonderful men on steel structural work. They go up there on top, hopping around on beams and the like of that.

Is there anything that can be done to increase their ability as structural engineers, and so forth? They are doing a marvellous job in that line of work. I do not know if you are very well acquainted with it or not; but it is a fact, and you have to recognize it.

Mr. GUNDLOCK: To go back to education. Can you tell me, is it compulsory in British Columbia for Indian children to go to a certain stage of education; and, if not, are you recommending that education of Indian children be compulsory?

Dr. KELLY: I did not quite get that question, I am sorry to say.

Mr. GUNDLOCK: A few moments ago, when we were discussing education of Indian children, I understood you more or less thought the education of Indian children should be compulsory—or is it compulsory now?

Dr. KELLY: What is the question, please?

Mr. HOWARD: It is compulsory by the Indian Act.

Dr. KELLY: Theoretically it is compulsory.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes, by the act.

Dr. KELLY: But not very stringently.

Senator MACDONALD: Is it any more compulsory than it is with us?

Dr. KELLY: I think so. That is to say, it is not as compulsory, actually, as it is for non-Indian children. If your child misses school for a day you are going to hear about it; you have to give reasons for it. Indian children are supposed to be the same, but sometimes they go away, some place, or probably take off to some place and they are not there; that is all.

Mr. HENDERSON: Yes, the whole family moves.

Dr. KELLY: Their progress is not as uniform as it ought to be, because of that. Those who are systematic in their attendance, I would like to say, I think make as good progress as non-Indian children do. It is not because, as some people believe, that probably mentally they are inferior or more retarded; but it is because of lack of systematic attendance, that holds them back again and again.

Senator MACDONALD: Just because they move around a bit.

Dr. KELLY: I might say, it is not always that they want to be free from the drudgery of school work; sometimes it is because of the necessity on the part of the parents to go elsewhere.

Mr. GUNDLOCK: What is the answer to that? What is your recommendation to improve that situation?

Senator MACDONALD: You cannot do a thing about it, and you know that.

Dr. KELLY: Yes, if an Indian family had work at home that would keep them at home, so the father, the bread winner could earn his living at home.

Mr. HARDIE: How can he earn his living at home on the reserve, if you say the reserve is uneconomic and he cannot make his living on it?

Dr. KELLY: That is the big problem.

Mr. HARDIE: There were no treaties with the Indians in B.C.?

Dr. KELLY: No.

Mr. HARDIE: The land the Indians received in British Columbia was set aside by the provincial government, and it was land where possibly Indians had been living; but all they got was a spot to live on.

Dr. KELLY: That is all.

Mr. HARDIE: They got nothing in lieu of the land that they gave up.

Dr. KELLY: Mr. Chairman, I want to say this: what I have been mentioning applies to the coastal area which is, as you know, mountainous and rocky. When you get up in the interior country there are ranches. There the conditions are different: they have ranches, cattle.

Mr. HARDIE: Can they own the land?

Dr. KELLY: Yes, quite a bit of their own land. There are grazing areas that are available to their cattle, crown lands. But in time to come I think the interior people are going to be much better off than the coastal Indians, because of the very fact they have larger areas of land they can graze their cattle on.

Mr. HARDIE: What would be the average yearly income on the reservation from which you come—I mean, of the Indian?

Dr. KELLY: Their income?

Mr. HARDIE: The average yearly income.



Senator MACDONALD: Do you mean the coastal Indians?

Dr. KELLY: His average income?

Mr. HARDIE: Yes, in your area.

Dr. KELLY: What do you think, Mr. Clifton?

Mr. CLIFTON: About \$3,000.

Mr. GUNDLOCK: Are you speaking of fishermen?

Mr. CLIFTON: You are talking about the coast, and that is all those fellows do, because there are not too many of them in the logging. In the winter months, when they are through fishing, the ones that are lucky would get into logging camps; and others continue right on fishing up until, oh, some of them would be lucky to go right through from, say, about July to the month of March, the first part of March.

Mr. ARGUE: That would be their income then from fishing plus logging?

Mr. CLIFTON: Yes, some of them.

Mr. HARDIE: It would average \$3,000?

Mr. CLIFTON: Yes.

Mr. HARDIE: I wonder, Mr. Chairman, if I could ask, do the departmental officials have an average yearly income broken down for that area?

Dr. KELLY: The Department of Fisheries?

Mr. HARDIE: No, the departmental officials.

The JOINT CHAIRMAN (*Mr. Dorion*): No.

Mr. HARDIE: They have no averages?

The JOINT CHAIRMAN (*Mr. Dorion*): No.

Mr. HARDIE: The point I was getting at was this: under the revolving loan fund I think Mr. Clifton said 25 per cent had to be put up by the Indian in order to get loans. In many cases I can see that the people could not have, by any stretch of the imagination, the 25 percent to get a loan. Would that be true?

Dr. KELLY: They just cannot get that loan.

Mr. HARDIE: They do not have the 25 percent to put up; so even if they did extend, or make the amount larger, there would still be no real increase in the loans, because the income today is so low that the Indian would not have the 25 percent to put up in order to get a loan. I think possibly your point of view would be to relax the regulations governing these revolving fund loans so as to make it easier for an Indian to get a loan. Is not that what you really propose, rather than any increase in the revolving loan fund?

Senator MACDONALD: Why not ask Dr. Kelly to suggest what would be sufficient to put up, 10 percent, or 5 percent or what?

Dr. KELLY: I was going to say that 25 percent is high.

Mr. HENDERSON: Yes, it is too high.

Dr. KELLY: Let us say that a gill netter needs a boat which costs \$10,000. If he earned what my friend says he earned, that is \$3,000, then out of what he has to pay for the cost of his gear, and by the time he has paid for that, there is not very much left to carry on during the winter months until the next fishing season comes. It is a matter of a few hundred dollars he has to carry him over. And if he is to get a boat and pay \$2,500 for it, he simply has to brush it off, because he is not able to.

Mr. HARDIE: Mr. Clifton figured on \$3,000; that would be the gross; that is not the average net income; that is the average gross income.

Dr. KELLY: The gross income.

Mr. HARDIE: Yes. That is not his take home pay, as you say.

Mr. CLIFTON: No, I meant it as an average gross.

Mr. HARDIE: I want his average take home pay.

Mr. CLIFTON: No, that is not his average take home pay.

Mr. HARDIE: What would you say is his average take home pay?

Mr. CLIFTON: The take home pay would be between \$2,000 and \$2,500; that would be the take home pay of the average fisherman.

Dr. KELLY: I think so. \$3,000 is high. I think it would be \$2,000.

Mr. CLIFTON: Some of them would be away below that amount, and others would be on top of it. But I think that is the average.

Senator MACDONALD: What would you suggest as a fair portion for a fisherman to put up—10 percent, 5 percent, 15 percent, or what?

Dr. KELLY: I think that 10 percent is not out of the way.

Senator FERGUSON: I am puzzled about this question of the \$5,000,000. There is now \$1,000,000 allotted for the revolving fund; and as of March 31, 1959, only \$446,610 had been borrowed from that fund, and there was available \$512,803 in the fund.

If with a limit of \$1,000,000 there is still about one-half of it left, what would be the point of increasing the amount?

Mr. HARDIE: The reason there is only one-half left is that the Indians are not able to put up the necessary 25 percent to get loans.

Senator FERGUSON: That is a different thing. They are asking to have it increased to \$5,000,000.

Dr. KELLY: I think it started out in a small way. The loans were small and meted out to those who were actually at the starvation point, so to speak.

Senator FERGUSON: If you think they were able to operate a larger business, do you think they would take up more of the fund?

Dr. KELLY: If you are thinking of helping the Indian to be economically able to stand on his feet, and not just to move on a day to day basis—

Mr. HARDIE: I see nothing in the regulations which says that the Indian must put up 25 percent.

Mr. JONES: There is nothing in the regulations. It is just branch practice. We are trying to administer this revolving fund in a systematic way that will help the Indians and protect the fund so that it will revolve; by paying back one-fifth each year or in four or five years, and in making a small contribution to start with in order to have an equity in the asset which is being purchased. And we also in the case of fishing equipment, ask that the fishing boats be insured. It is not in the regulations; it is just our own idea of how it should be operated.

Mr. HARDIE: I wonder if Mr. Jones could tell me the amount outstanding? Do you have many bad debts from these loans that you have given out?

Mr. JONES: I cannot give you that tonight. When we come to the economic development we can give you the revolving fund loans from the day they started, broken down under farming, fishing, and logging in every province.

The results have not been too bad to date in relation to the uncollectable. We have a small amount which we could write off if we wanted to put the machinery into force. And there is a much larger amount that we are optimistic about, that in time it will be paid.

As I say, we have been attempting to conduct this in a businesslike manner so that as the money is paid back, it can be loaned to other Indians. To answer the question someone asked earlier, the limit to an individual is \$10,000; to a cooperative there is no limit.

Mr. BALDWIN: What about loans for projects outside the reserve?

Mr. JONES: It has been interesting to hear about the situation in reserves in British Columbia. A lot of money is loaned to Indians in British Columbia in respect of logging equipment and fishing boats. The minute you get in a fishing boat you are not on a reserve. To that extent I have figures here showing how much is loaned for fishing equipment in British Columbia. It is the same in logging. You have to outfit quite a few loggers and money is available for setting up logging outfits not necessarily on a reserve.

Primarily across Canada the purpose of the fund is to increase the economic potential of Indian reserves on the theory that off the reserve the Indian should have access to the credit facilities which are available to the non-Indian. That is the theory. On some farms, of course, these credit facilities are not as available as we would like. The accent has been on improving the economic situation on the reserves all across Canada. However, there is money, there has been money, loaned to Indians in order to make their living off the reserves.

The JOINT CHAIRMAN (*Mr. Dorion*): Ladies and gentlemen, if you have no objection we might adjourn until tomorrow morning at 9.30.

Senator MACDONALD: I so move.

Mr. HENDERSON: I second the motion.

Agreed.

The JOINT CHAIRMAN (*Mr. Dorion*): I wish to draw your attention to the sections on education in articles 115 and 116 of the act.

Senator MACDONALD: Do you mean that is to be discussed tomorrow?

The JOINT CHAIRMAN (*Mr. Dorion*): If you like. We will meet tomorrow morning at 9.30.

FRIDAY, July 3, 1959  
9:30 a.m.

The JOINT CHAIRMAN (*Mr. Dorion*): Ladies and gentlemen, we have a quorum. Before continuing with the witnesses I would like to repeat some observations I made at the beginning. I would like to impress this upon you: in order to proceed as quickly as possible, may I recall to you the suggestion I made at the beginning of the testimony of Dr. Kelly and Mr. Clifton. First, I would ask you to refrain from making any comments now; you will have that opportunity later, after having heard all the witnesses.

Second, with regard to the policy of the department, I believe that it would be better to wait until later to deal with that, and not interrupt the course of the testimony of the present witnesses.

Third, with regard to the questions to be put to the witnesses, I would ask you again to follow as far as possible the order of the brief.

Last evening we were discussing subsection (d), under section 3. Have you any other questions on this?

Mr. HOWARD: Mr. Chairman, I would like to make a suggestion with respect to one of the thoughts you expressed. As our deliberations at this stage relate to inquiring of departmental officials about certain things—I did not give it too much thought before, when the earlier suggestion was made, but it would appear that there is some merit in the committee taking the opportunity when Dr. Kelly, in this instance, or other delegations are here, of inquiring of Colonel Jones, or any of the other officials of the department who may be here, about statistical information particularly, or arrangements that are made within

the department—the manner of administration of certain things—in order to give the committee a clearer understanding of that particular question which might be discussed. I am thinking of the revolving fund, for instance, which we were discussing last evening.

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Jones prepared something on that.

Mr. HOWARD: We were able, from Colonel Jones, to get a better understanding as to the manner in which the revolving fund operates, and I think that probably if you would allow a relaxation at least of that nature, it might aid the committee quite a bit in understanding at that particular moment precisely what the problem is.

The JOINT CHAIRMAN (*Mr. Dorion*): I suggested we be as brief as possible in order to give the witnesses the advantage of being heard fully. Mr. Jones is ready to table the figures he prepared. Will you now have this?

COLONEL H. M. JONES (*Director of Indian Affairs, Department of Citizenship and Immigration*): Mr. Chairman, these are figures up to March 31, 1959—purposes for which revolving fund loans were approved.

One statement is by purpose and the other statement is by province, and the number of loans in arrears and the ones which are considered uncollectable. Shall I just table these, sir, or read them?

Mr. HARDIE: Let us have the B.C. figures. Could we have those, since we are dealing with the B.C. group?

Mr. JONES: In British Columbia, loans approved—163 loans, totalling \$252,526.40; loans repaid, 78, for \$95,164.02; 59 loans in arrears, totalling \$41,742.66.

There are two loans in B.C. which we consider are uncollectable, amounting to \$2,489.33. The other statement does not give it by province, but gives it by agriculture, forestry, fishing, et cetera. But we will be glad, Mr. Chairman, to supply any breakdown or any type of statistics and have it available at your pleasure at any time.

Mr. HOWARD: Colonel Jones, in that set of statistics which you have there, I wonder whether you have any information about the number and aggregate amount of loans made on the west coast for fishing equipment, vessels, and so on?

Mr. JONES: I think I have something, Mr. Chairman, for the last three years. In B. C. alone, during the fiscal year 1957-58 there were 17 revolving fund loans approved, in the total amount of \$35,907.51. During the same period there were nine loans approved for commercial fishing purposes, amounting to \$21,329.26.

During the next fiscal year, 1958-59, there were 30 loans approved, totalling \$65,322.70; and during the same period there were 28 loans approved for commercial fishing purposes, amounting to \$64,072.70.

Since the beginning of this fiscal year, April 1, there have been eight revolving fund loans approved, totalling \$10,522.50, of which seven were for commercial fishing purposes, in the amount of \$8,872.50.

The JOINT CHAIRMAN (*Mr. Dorion*): Do you have any other questions for Mr. Jones on that point?

I think it is said in one of these books, that we have been supplied by the department, that the total loaned out of the revolving fund at the present time is something like \$505,000. Does that mean that this figure of \$252,000 would be 50 per cent of the total loaned in Canada?

Mr. SMALL: Did you say \$252,000 or \$152,000?

Mr. JONES: I am afraid I did not catch that, sir.



Mr. HARDIE: Apparently, loans out now—or recently—under this loan fund total some \$500,000, is that right?

Mr. JONES: Approximately, yes.

Mr. HARDIE: Does this \$252,000 that has been loaned to Indians in B. C. represent 50 per cent of the total loans that have been taken out through the revolving fund?

Mr. JONES: No, I would not think so. I think our biggest loaning province is Saskatchewan: it has been in the past. I think B. C. would probably be second. But I do not think that naturally follows.

Mr. HARDIE: No, that would not follow?

Mr. JONES: No. Shall I table this, sir?

Mr. HARDIE: Could you give me a total? I think you have a total there of all provinces, have you?

Mr. SMALL: It is on page 20.

Mr. HARDIE: Mr. Jones has the total to date, I imagine, and perhaps he could give us that.

Mr. SMALL: In the report it is \$465,000; approximately \$30,000 had been set aside for approved loans and there was available in the fund for new loans approximately \$505,000.

Mr. MARTEL: That is to March 31, 1958, but the other figures were up to March 31, 1959. Maybe we could have the total for 1959.

Senator FERGUSON: You sent us those figures in the amendment.

Mr. MARTEL: You would like the total figures for Canada up to March 31, 1959?

Mr. HARDIE: Well, aside from this last figure we got from Mr. Jones.

The JOINT CHAIRMAN (*Mr. Dorion*): I have these figures in my hands; but we will have a copy for every member of the committee.

Mr. MONTGOMERY: They will be printed in the report, will they?

Senator FERGUSON: Mr. Chairman, we cannot hear what is being said at all.

Mr. MONTGOMERY: Do you need a motion, Mr. Chairman, to get those printed in the report as an appendix?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Mr. MONTGOMERY: I move that those statements be printed as an appendix to the minutes of today's hearing.

The JOINT CHAIRMAN (*Mr. Dorion*): Is that agreed?

Agreed.

Mr. MARTEL: Could we get that? We have had the figures up to March 31, 1959, for B. C. loans: we would like to have the total for all of Canada, up to the same date.

Senator FERGUSON: We already have that. We have this extra page, bringing it up to date.

Mr. MARTEL: In this book it is up to March 31, 1958.

Senator FERGUSON: But we were sent an extra page, bringing it up to date. I have the figures here. Is that not right, Mr. Jones?

Mr. JONES: On page 2, I think, we have loans to Indians as of March 31, 1959. There were 535 borrowers who owed \$446,610; and there was \$512,803 available in the fund. That is at page 2 of the addenda.

Mr. HOWARD: Mr. Chairman, I may have misunderstood from the start what it was, but I understood Colonel Jones to say that in the fiscal year 1959,

in his initial remarks here, the total loans made during that fiscal year in British Columbia were 163 to a total of \$252,000.

Mr. JONES: These figures, Mr. Chairman, for the fiscal year 1938-39 to March 31, 1959—these are the range of all the loans made since the fund came into operation in 1938-39.

Mr. HOWARD: That is the \$252,000 figure?

Mr. JONES: That is right.

Mr. BALDWIN: Some have been repaid.

Mr. HOWARD: In order to relate these statistics one to the other, would it not be necessary—because on page 2 it refers to outstanding loans and not the total amount that has been loaned in the 20-year period—to correlate them. On the addenda to this yellow booklet it shows that there were 535 borrowers who owed \$446,000, which would be the outstanding amount as at that time. To get a comparable figure we should have it in terms of how much in British Columbia was outstanding as of the same date, March 31, 1959.

Mr. JONES: The amounts outstanding in British Columbia are, 59 loans for a total of \$41,742.66. And of that number, 59, in the amount of \$41,742.66, we consider in British Columbia there are two loans totalling \$2,489.33 that are uncollectable and will have to be written off.

Mr. HOWARD: In your original comment you said these original 59 loans were arrears—which I understand were loans in which payments were being made.

Mr. JONES: That is right. They are on the books. Money has been loaned, but they are in arrears in the same way.

Mr. HOWARD: In addition to that, do you have any information about loans which are merely still owed, but in which there are no arrears and in which the people are making regular payments? Or does “arrears” and “borrowers owing money” mean the same thing?

Mr. JONES: We can provide that information.

Mr. SMALL: Is that 78 loans of \$59,000? I thought I heard you say, “78 loans”?

Mr. MARTEL: I think that was repaid loans.

Mr. HARDIE: Twenty-six loans have been repaid.

Mr. JONES: We can get that.

Mr. HOWARD: All I am trying to do is to point out that we cannot properly relate, at this stage, one set of figures to another, because we are talking about different things.

Mr. JONES: It is a matter of when you credit or debit interest. If it is not paid the next day it is in arrears; and it may be paid a few days later. That is just a matter of accounting; but we will be glad to furnish any information you desire.

Mr. HOWARD: I do not think it is necessary at this time.

Mr. JONES: It is your pleasure, whatever you would like.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any other questions on that point? Paragraph (e)?

Mr. HARDIE: On paragraph 3 (d), last night I asked Mr. Clifton the average earnings of Indian fishermen on the coast. At one stage he gave me \$3,000; and then he thought it over and gave me a figure of something between \$2,000 and \$2,200. I wonder if the department have any figures on the average earnings of fishermen along the British Columbia coast—that is, Indian and non-Indian.

Mr. JONES: Has our branch any information on the—

Mr. HARDIE: Average earnings of fishermen—

Mr. JONES: In British Columbia?

Mr. HARDIE: On the British Columbia coast.

Mr. JONES: No.

Mr. HARDIE: You have not?

Mr. JONES: No.

Mr. HARDIE: Could I ask Mr. Clifton this: the figure he gave me last night—of, say, \$2,000 or \$2,200, which is the last figure you gave—would this be the average earnings of all fishermen on the coast—that is, Indian and non-Indian?

Mr. R. P. CLIFTON (*President of the Native Brotherhood of British Columbia*): Yes, that is what I was thinking of; and that is why I made it \$3,000, around that vicinity.

Mr. HARDIE: Indian and non-Indian?

Mr. CLIFTON: Yes. That is the total fishermen on the British Columbia coast.

Mr. HARDIE: Is the Indian as good a fisherman as the non-Indian?

Mr. SMALL: Should be better.

Mr. CLIFTON: Some of them are, and some of them are not. It is just the same as the rest of the non-Indian fishermen.

Mr. HARDIE: The average you gave me last night?

Mr. CLIFTON: That is about the average income of all fishermen on the British Columbia coast.

Mr. HARDIE: Does the Indian pay income tax on this?

Mr. CLIFTON: Yes.

Mr. HARDIE: He pays income tax, the same as the white men?

Mr. CLIFTON: Yes. I might say, a boat owner makes a fairly good return every year, because he has his boat chartered, and he has his own gear. Some of the other fellows have their own gear. Their shares would come up to, maybe, 2-½ to 3 shares out of the total catch.

Mr. SMALL: You would not pay much income tax on \$3,000 a year. The low figure you said was \$2,000 or \$2,200. You would not be paying much income tax? He would not be paying any, if he has a family.

Mr. CLIFTON: That is why I am saying some of the boat owners, are taxed kind of heavy, and they have to pay the fellow who finances the boat, like the fishing companies. On top of that he has to pay about six per cent interest.

Mr. BALDWIN: Do Indian fishermen draw unemployment insurance benefits, the same as other fishermen?

Mr. CLIFTON: Yes, but you have to put in so many weeks before you can draw that unemployment insurance.

Mr. BALDWIN: Yes, I know.

Mr. CLIFTON: I said that since the fishermen got unemployment insurance I have never drawn a penny yet, because I was always under the amount of weeks that they allowed. You have to put in something like 15 weeks in a season before you can draw unemployment insurance.

Mr. BALDWIN: Do they get the benefits of provincial unemployment insurance legislation and other provincial loans?

Mr. CLIFTON: Such as what?

Mr. BALDWIN: Like the provincial workmen's compensation?

Mr. CLIFTON: Yes, we apply for that. That is compensation.

Mr. McQUILLAN: That is where they are employed off the reservations.

Mr. CLIFTON: Yes.

Mr. HARDIE: I take it from the evidence given by witnesses yesterday that as far as the coast Indians are concerned, a relaxation in the practice of acquiring loans under the revolving fund would be in their opinion a way to help in the economic development of the coastal people. I would like to know what the witnesses think the government should do in order to improve the economic development of people living in the interior and in the northern parts of British Columbia. Most of the discussion has taken place in regard to the coastal Indians. I am wondering about the interior and northern Indians.

Dr. P. R. KELLY (*Chairman of the Legislative Committee of the Native Brotherhood of British Columbia*): I say that as far as the interior Indians are concerned they have been getting the major share of that \$100,000 annually that is granted to British Columbia since 1927 for irrigation purposes and for matters pertaining to agricultural life generally. I think of that amount—that was not considered a loan; that was a straight grant—and of that amount I think the coast Indians did not get 25 per cent.

Mr. HARDIE: How much did the northern Indians get, the Indians in the northern regions of British Columbia?

Dr. KELLY: The amount granted by parliament to British Columbia is \$100,000. I do not know if that is known generally here, but it has been continuing since 1927-1928. We came here and we stirred up enough trouble for parliament so that a committee similar to your committee was appointed, and it was the conclusion of that committee at that time, that British Columbia should be given \$100,000 special grant annually, and that continues now.

As we pointed out here, the amounts were for specific purposes; it was outlined under that grant how that amount was to be spent; for agricultural purposes, medical care, and some technical education. And of that amount, I might say, the interior Indians have had the lion's share. Their need was greater, probably, at that time, than for purposes in connection with ranching and agricultural life, that amount was spent.

Mr. HARDIE: I can understand that part, about the southern portion of the interior of British Columbia; but speaking of the northern Indians up around Telegraph Creek and that area, what does your brotherhood think could be done to help the economic development of those people?

Dr. KELLY: I am sorry to say that the Telegraph Creek area is so far north that they have very little connection with us. We really do not know what goes on there aside from the fact that they earn their living from fishing, trapping, and hunting. I do not know what else they do up there. We do not hear from them.

Mr. McQUILLAN: Is it not true, Dr. Kelly, that the Indians in the north-eastern section of British Columbia are covered by treaty, unlike the Indians situated west of the Rockies? Are they all treaty Indians?

I see that Mr. Jones nods his head to indicate yes. So there is a different situation between the Indians in the Peace River and in that section of British Columbia lying east of the Rockies, to what there is west of the Rockies. That is so, I believe.

Dr. KELLY: As far as the treaty is concerned, we have very few treaties in British Columbia, outside of a very small section, the treaty as affecting British Columbia Indians is negligible and does not amount to a row of beans.

Mr. MONTGOMERY: I would like to follow up that question. Who makes the distribution? Who decides on the distribution of this \$100,000?



Dr. KELLY: The commissioner for Indian Affairs for British Columbia has had the distribution of that; and this year for the first time there has been appointed a committee of three Indians to assist him. This year, 1959, is the first year it has been done, because I think in our representations here to the cabinet in 1957 we stressed something like that.

Now, I am not prepared to say that this is a direct result of that. But for the first time in the history of the spending of that money a committee of three Indians has been appointed to sit with the commissioner to advise how this money might be spent.

Mr. MONTGOMERY: You agree that this is a good move, do you not?

Dr. KELLY: Yes, I do. I think it is a good move.

Mr. MONTGOMERY: Thank you.

Mr. KORCHINSKI: May I ask who appoints this committee, and from what region do these appointees come? Are they separated, or do they come from one particular region?

Dr. KELLY: What was that?

Mr. KORCHINSKI: Who appoints this committee of three, and what regions do they come from, or are they appointed from one particular area of British Columbia?

Mr. CLIFTON: They are all coastal Indians. They were appointed by the council that voted on that.

Dr. KELLY: The three Indians?

Mr. KORCHINSKI: Yes.

Dr. KELLY: They were nominated, so we are told, by the different band councils, from the coastal regions; and out of that these three were elected.

Mr. KORCHINSKI: In fact it is not really an appointment. It is more or less an election. That is the way all three of them are chosen, is that right?

Mr. CLIFTON: Yes.

Senator SMITH (*Kamloops*): According to that, these three who were appointed for this first year are from the area in which there has been little distribution of this fund. Is that right?

Mr. CLIFTON: Yes.

Senator SMITH (*Kamloops*): You told us that the funds have been spent largely in the interior for agricultural help and educational services. This advisory committee does not come from the area where these expenditures have been made. They come from the coastal area.

Dr. KELLY: Yes, all the members are from the coast area. Now, I do not think the election was confined to the coast. I think it was province-wide as far as the Indians were concerned.

Mr. KORCHINSKI: Would it be fair to assume that since these elected representatives were from the coastal area, that more money will be spent on the coastal area now?

Mr. CLIFTON: No. As far as I know, when they sat at their first meeting, they just went along the same lines that the commissioner had picked to spend that money.

Mr. KORCHINSKI: Can you tell us how the selection was handled? What procedure was followed? Who administered the election?

Mr. CLIFTON: I think Colonel Jones should answer that question.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you like Colonel Jones to answer that question now?

Mr. KORCHINSKI: Yes, if you please.

Mr. JONES: I think it was held by a process of elimination. I think all the bands were asked to nominate someone for this position, and I think that when all the ballots were in, they went back to the bands who were asked to name their preference. So, on the second vote, through this process of elimination, they came up with two names for the three areas: the coastal zone, the northern region, and the southern mainland and interior.

Mr. Guy Williams was the representative of the coastal region with Dr. P. R. Kelly as alternative. Mr. Frank Calder was the representative of the northern region with Thomas Elkins, and Andrew Paull with C. R. Brown for zone three. So far as I know, there were discussions with the Indians to see who they wanted to serve them.

Mr. KORCHINSKI: How long do these appointees serve? Is it for a period of one year?

Mr. JONES: I believe it is for three years.

Mr. KORCHINSKI: If the same practice is followed, then at the end of the three years there will be another election; or is it on a rotational basis, one every year?

Mr. JONES: As it is entirely new, it has been decided to have these gentlemen act for their zones for three years. I presume there probably will be another appeal to the bands to see whether or not they want the same persons to represent them or have a change. It is three years.

Mr. KORCHINSKI: If you have a period of three years, would it not be advisable to have one elected every year consecutively so that you would have the benefit of experience? Instead, for example, of having the bands appoint or elect three new advisers and thereby having three persons who are inexperienced and who would have to learn the tricks of the trade, would it not be advisable to rotate them year by year?

Mr. JONES: It certainly will be given consideration as time goes on. Of course we will always be governed by what the Indians want. I see nothing wrong with that suggestion, with this exception, that it will take a little while for any delegate to learn the intricacies of how his money is voted and how it is to be spent. Whatever the Indians want is how we would like to carry on.

I see something very useful in that suggestion.

Senator SMITH (*Kamloops*): Would Colonel Jones confirm that these persons whose names we have heard are coastal Indians? Are they all coastal Indians?

Mr. JONES: I believe Frank Calder lives on the Naas river; that is north near the interior.

Dr. KELLY: Andrew Paull lives in North Vancouver and Guy Williams lives at Steveston just below New Westminster.

Mr. JONES: To all intents and purposes they are living on the coast.

Mr. HOWARD: I thought we were going into this \$100,000 vote only in a preliminary way. However, inasmuch as we are on this subject, I wish to raise some questions about it, even though it is a little out of place in our considerations. This \$100,000 has been in effect since 1927. Was it \$100,000 in 1927?

Dr. KELLY: Yes.

Mr. HOWARD: And \$100,000 each year?

Dr. KELLY: Every year.

Mr. HOWARD: Since then have you given any consideration to this question of inflation or the devaluation of the dollar and what \$100,000 would mean in terms of present-day values?

What I am attempting to do is to get some more money for you.

Dr. KELLY: Probably you could tell me better than I can tell you.

Mr. HOWARD: It would appear to me there would not only be a need for re-examination of the administration but also the amount in terms of what it could have been used for thirty years ago.

Dr. KELLY: I suppose \$100,000 in the year 1927 would in present day values be somewhere around \$350,000; would it not?

Mr. HOWARD: I do not know. You also suggest in the second paragraph of your point number 7:

We believe that the terms of administration should be re-examined to gain more equal benefits and in line with present-day requirements.

I think we have gone partly into that. Re-examination in so far as more equitable distribution throughout the provinces concerned would be one of the things.

Dr. KELLY: I do not know if we can say equitable redistribution as much as the amounts to be spent on certain needs today. Some of this is to be spent for medical needs, medical treatment and educational purposes. Well, \$100,000 today divided among those things would amount to such a small amount in view of the large amount of money that is voted by parliament for education needs of the Indians today. I do not know what is the educational estimate for this next year, but it amounts to millions of dollars. Probably Mr. Davey has given you that. In the year 1927 \$100,000 sounded like a large sum of money.

When these different things were mentioned, it comes to my mind they included technical training, vocational training and medical care. I appeared before that committee as a witness. In fact, the petition to parliament was in my name. I was the chairman of the executive committee at that time. We feel this should be confined to something more specific, rather than a large area such as agriculture.

Well, \$100,000 could be dropped in one corner for the needs of a certain area, so far as agricultural needs are concerned. We had in mind that it might be confined to a more specialized field such as technical training for Indians and vocational training. I do not think that any of this amount comes to medical services. If there is any amount of this coming to medical services, it would be so very small it would not make any impression at all.

Mr. HARDIE: Do you mean that you receive nothing for medical services or education other than this \$100,000? I do not think that is true. You do receive medical services and do have money spent on education other than that.

Dr. KELLY: Oh, yes.

Mr. JONES: The technical educational charge against the British Columbia special fund was taken out some years ago, as well as medical. All costs are borne by the government in other votes.

Mr. BALDWIN: What was the basis for the payment of \$100,000? You mentioned the parliamentary committee in 1927. There must have been at that time a feeling that there may have been discrimination against the B. C. Indians and that they were not getting as much as Indians in other parts of Canada. Do you know what was the basis for the recommendation of the payment of the \$100,000?

Dr. KELLY: It is a long history. It would take a long while to go into it. I will sum it up briefly as far as I can give it to you. I see you are rather ignorant on this point.

Mr. MONTGOMERY: Yes, we are.

Mr. BALDWIN: Has that anything to do with the thirteenth article in the terms of union?

Dr. KELLY: It could be, although we do not stress that article. The whole thing came back to this: as we say now, the Indians of British Columbia claim that the Indian title to the lands of British Columbia had never been extinguished. It came before parliament again and again, and there was an order in council in 1913, if my memory serves me right, whereby the government of that day was willing to submit the whole question to the judicial committee of the privy council in England. However, before doing so, they wanted us to sign on paper that we must be willing to accept only what the government saw fit to give us, not what the court decided. We refused, and following that we came here and petitioned parliament; we petitioned the Speakers of the Senate and the House of Commons. This came before parliament and members began to ask questions. As a result of that a parliamentary committee was appointed. There were some very distinguished names on that committee, men who later became prime ministers. There were distinguished men from both sides of the house and from the Senate on that committee. After hearing us they said we failed to establish our stand to the title of British Columbia, but in lieu of treaty they would give us this money, that although we failed to establish anything they would give us \$100,000 a year as "sop" money. They did not use this word but that is what it amounted to. That has continued down to the present day, and I suppose it will continue as long as parliament sees fit to vote that sum.

Mr. SMALL: Under what appropriation does this \$100,000 come?

Mr. JONES: It is listed specially in the blue book under Indian Affairs.

Mr. KORCHINSKI: While we are on the subject of this \$100,000, I was wondering whether we could not get an idea of how some of that money has been spent in the past five years; or you could go back as far as possible, because it may appear that this \$100,000 may have gone specifically into one particular field, whereas there were different terms of administration which provided for it. I wonder if that information could be made available to the committee.

The JOINT CHAIRMAN (*Mr. Dorion*): Colonel Jones will acquire the figures for you.

Dr. KELLY: We made a little fuss about that because, if this money was in lieu of treaty money, we claim when treaty money is paid to an Indian it goes into his pocket and he can go around the corner and spend it any way he wants to spend it; and yet up to the year 1959, the Indians of British Columbia had nothing to say about the spending of that money, and distribution was made by the commissioner for Indians in British Columbia.

Mr. KORCHINSKI: Well, that is the very point. If we could have an idea where this money was spent, we could judge whether it was spent in the best interests of the Indians.

Dr. KELLY: I beg your pardon?

Mr. KORCHINSKI: What I wanted to point out is that if some of this money had been spent in one particular field and there was need in another field, we could judge this situation for ourselves, if we obtained the figures.

Mr. CLIFTON: That information could be obtained only from the commissioner in British Columbia.

Mr. HARDIE: This was paid to each Indian in the amount of less than \$3 each.

Dr. KELLY: I do not think there is any doubt but that it was spent properly.

Mr. SMALL: If that money was given to non-treaty Indians, then we would have to separate the treaty Indians from the non-treaty Indians and divide it up that way; otherwise, there would be some difficulty when you started to divide the money up—they would all think that they were entitled to it. If it was given on that basis, that is the only place to which it could go.



The JOINT CHAIRMAN (*Mr. Dorion*): Colonel Jones will answer your question.

Mr. JONES: This starts with 1928-29.

Mr. KORCHINSKI: If it is too lengthy, perhaps we could incorporate it in the minutes.

Mr. JONES: It consists of two pages.

Mr. SMALL: Perhaps you could give a summary.

Mr. JONES: For each year it gives the vote. The headings are: technical education, hospitals and medical attendance, promotion of agriculture and irrigation, together with the total at the end. This table includes 1957-58. If I may table this, sir, I will do so; and then if you want it broken down further, we would be glad to do so.

The JOINT CHAIRMAN (*Mr. Dorion*): Is it agreeable that this table be printed in the minutes?

Agreed.

### STATEMENT OF EXPENDITURE

#### GRANT TO PROVIDE ADDITIONAL SERVICES TO INDIANS OF BRITISH COLUMBIA

Vote 536	Technical Education	Hospitals and Medical Attendance	Promotion of Agriculture	Irrigation	Total
1928-29.....	4,804.88	10,962.59	8,600.58	11,311.14	35,678.69
1929-30.....	8,817.82	10,521.87	15,825.15	29,748.41	64,913.25
1930-31.....	14,538.43	32,937.78	16,100.37	35,132.71	98,709.29
1931-32.....	14,832.62	21,409.06	12,222.22	30,985.23	79,449.13
1932-33.....	—	—	—	—	98,565.69
1933-34.....	—	—	—	—	99,979.82
1934-35.....	11,220.26	51,896.39	15,234.29	21,646.01	99,996.95
1935-36.....	9,519.04	56,719.35	12,193.32	20,896.64	99,328.35
1936-37.....	10,872.06	51,034.42	16,093.53	21,504.08	99,504.09
1937-38.....	9,596.15	52,892.68	18,575.47	18,424.10	99,488.40
1938-39.....	8,068.33	48,619.78	20,054.95	22,342.02	99,085.08
1939-40.....	9,943.88	34,985.42	29,993.33	23,222.13	98,144.76
1940-41.....	9,960.64	34,996.26	20,562.66	19,668.67	85,188.23
1941-42.....	9,995.03	41,397.23	29,993.24	17,731.33	99,116.83
1942-43.....	9,166.02	49,561.90	26,814.14	12,916.03	98,458.09
1943-44.....	8,975.74	42,355.13	29,851.59	16,977.70	98,160.16
1944-45.....	9,580.14	42,499.28	29,903.08	16,218.44	98,200.94
1945-46.....	8,316.92	39,998.80	29,908.03	18,590.21	96,813.96
1946-47.....	9,137.51	nil	46,426.27	22,616.51	78,180.29
1947-48.....	17,440.77	"	48,270.27	27,389.81	93,100.85
1948-49.....	19,765.62	"	44,449.76	33,404.80	97,620.18
1949-50.....	8,835.40	"	46,614.72	27,854.10	83,304.22
1950-51.....	9,975.93	"	47,527.26	36,333.99	93,836.18
1951-52.....	9,994.13	"	59,169.77	29,961.47	99,125.37
1952-53.....	8,306.86	"	39,661.88	49,850.49	97,819.23
1953-54.....	9,906.65	"	39,977.63	49,766.61	99,650.89
1954-55.....	9,963.88	"	38,008.83	47,006.69	94,979.40
1955-56.....	nil	"	50,145.62	43,734.25	93,879.87
1956-57.....	"	"	40,000.00	59,999.28	99,999.28
1957-58.....	"	"	39,993.72	59,622.28	99,616.00
Totals (excluding years 1932-33 and 1933-34 where details not broken down).....	261,534.21	622,787.94	872,170.68	824,855.13	2,581,347.96
GRAND TOTAL.....					2,779,893.47

Senator SMITH (*Kamloops*): Would Dr. Kelly advise us whether the Indian population of British Columbia enjoys the benefits of the British Columbia hospital insurance and, if they do, who pays the beneficiaries' share, the dominion government or the Indians?

Dr. KELLY: I do not know exactly what you mean, Senator Smith.

Senator SMITH (*Kamloops*): Does the British Columbia hospital insurance apply to Indians?

Dr. KELLY: Yes.

Senator SMITH (*Kamloops*): Do they get the benefits?

Dr. KELLY: Yes.

Senator SMITH (*Kamloops*): And who pays the portion for which the beneficiary is responsible, the Indians or the government?

Dr. KELLY: The Indian pays through the sales tax. There is a sales tax of 5 per cent. That is the share that goes to hospital insurance and he pays, the same as anyone else.

Senator SMITH (*Kamloops*): There is no special contribution from Ottawa?

Dr. KELLY: Hospital attendance is paid out of that. There is that special \$1 a day co-insurance. Co-insurance has been paid by the Indian affairs branch or the National Health and Welfare service.

Senator SMITH (*Kamloops*): Has not that special grant relieved the need for health benefits?

Dr. KELLY: I do not think so. However, I am not competent to answer that question. That is in the hands of the department of Indian affairs.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you care to make a statement on that, Colonel Jones?

Mr. JONES: It has been stated on one or two occasions that possibly Dr. Moore, director of Indian and northern health services, might appear and give you an outline of how he administers the cost of medical care for Indians throughout Canada. This concerns his department. However, I am very interested in it. Each province is different. They have the entire responsibility; we have none in the Indian affairs branch. So, the cost of co-insurance, as I understand it, is that in British Columbia the department picks up—that is the Department of Health and Welfare accepts as a proper charge any co-insurance charge the Indians are not able to meet themselves. That is the way I understand it. However, I would suggest, sir, that at an appropriate time the people who administer the health and hospital services for Indians of Canada should be called to answer a number of these questions.

Dr. KELLY: In that connection, Mr. Chairman, may I give this information for what it is worth; I think it is worth hearing.

The JOINT CHAIRMAN (*Mr. Dorion*): Proceed.

Dr. KELLY: The government of British Columbia has raised the point that the Indians do not pay all the sales tax. We differed with that, because there are some Indian stores on Indian reserves. As you know, Indian business on an Indian reserve is tax exempt, both federal and provincial. At Skidegate, on Queen Charlotte island—Skidegate Mission—there are Indian stores on the reserve, and I was told just before coming here—to me it is nothing more than hearsay, but I think there must be foundation for it—that the hospital at Queen Charlotte city has asked the Indians to pay all hospital costs, because they said they were purchasing from these Indian stores and because of that there was no sales tax given to the provincial government treasury. That point was raised to the village council.

Against that, I would like to say that, while they do business with a store on the reserve, their major purchases are made with stores other than Indian stores on the reserve. Their purchases outside the reserve would amount to at least 75 per cent of their purchases.

Mr. McQUILLAN: Are there many of these Indian stores on the reserves? I have never seen one.

Dr. KELLY: Not very many. On Vancouver Island I doubt if there is a single reserve that has a store.

Mr. KORCHINSKI: When the purchases are made from other than stores that are on the reserve, is tax collected from Indians in such cases?

Dr. KELLY: That is right.

The JOINT CHAIRMAN (*Mr. Dorion*): The next paragraph is about the housing program.

Mr. BALDWIN: Which paragraph are we on?

The JOINT CHAIRMAN (*Mr. Dorion*): The housing program, paragraph (e), page 3.

Mr. HOWARD: Mr. Chairman, there are a number of things that might be discussed under this, and I know—and I am sure as any other member who has visited any reserve does—that housing facilities are far, far from being of the standards that non-Indians have, generally speaking. This, in so far as material, immediate benefit to Indians is concerned, is a pretty major point.

I wonder if Dr. Kelly would like to elaborate on any of the thoughts that he has in here—not only the question of housing itself, but also the question of building code standards to ensure that houses that are now being built are built to the best degree possible, in so far as fire protection is concerned, sanitation, and so on; and what fire protection methods are provided, or what assistance is provided by the department or outside communities close to Indian reserves, where they have fire fighting equipment, and so on?

Mr. CLIFTON: Mr. Chairman, on this housing point, our thoughts on this are that there was some money a few years back which was put out for housing, and I think that has been withdrawn. Am I right?

Mr. HARDIE: I thought the housing program of Indian affairs had gone ahead.

Mr. JONES: It has been doubled.

Mr. CLIFTON: This is the thought behind this: we want to bring to this committee that the housing program—something similar to the National Housing should be the same to the native Indian. If a native Indian is living in a town, where he has a good job—say, maybe he is a mechanic or a truck driver and is making his living there—if he wanted a house, he would come under the same system as the National Housing, or on the reservation. Give them, say, about 20 or 25 years to pay up; give them that amount of time to pay their homes up.

Mr. HARDIE: The Indians living off the reserve can go to National Housing, can they not?

Mr. CLIFTON: I am not sure; but some of the boys living on the reservation have gone to National Housing. One of the boys especially, at Comox, went to National Housing, and he was refused because he was on a reserve.

Mr. HARDIE: I meant persons living off a reserve.

Mr. CLIFTON: In fire protection, we are close to the city of Courtenay, and we make a deal with the local fire brigade. We pay them \$25 a year for fire protection; that is what we pay the fire department.

Mr. HARDIE: Twenty-five dollars?

Mr. CLIFTON: Twenty-five dollars is what they ask us for.

Mr. HARDIE: Is that per house?

Mr. CLIFTON: No, that is for the reservation.

Mr. HARDIE: The whole reservation?

Mr. CLIFTON: Yes.

Mr. HARDIE: That is pretty cheap fire protection.

Mr. CLIFTON: It is a voluntary fire department. Every year they go out and they either raffle this or that; and we always chip in.

Mr. HARDIE: Could you enlighten us by telling us, what happens now under the present housing scheme, that Indians affairs have accelerated. Can you tell us just what happens?

Dr. KELLY: I would like to go back a little and answer the question posed by Mr. Howard and also by yourself, sir. The housing scheme on the Indian reserve, if there is a scheme at all, is inadequate, as we said, and haphazard. We were asked to come down to Victoria one time, to appear before a legislative committee, to suggest to that committee how they might help the Indians to bring about better living conditions on the reserve, and we suggested housing.

I was one of the members, and I think I spoke rather strongly about the condition of houses I had seen at some of the villages on Vancouver island, not very far from Nanaimo—disgraceful conditions, houses I would hesitate to spend a night in. A provincial photographer, a newspaper man, heard this and came up to my house and wanted to take pictures. I thought it over, and I declined to go. I did not want to expose the shameful condition in which our people lived. Somehow I hesitated to go that far.

I must say this: in some places the Indian affairs branch have encouraged houses to be built. I know they hired one man, the late Percy Ross—who was Chief Percy Ross at one time—who was a carpenter, and he was hired to help Indians to build their houses on Cowichan reserve on Vancouver island. They have put up fairly good houses. But the houses outside of that are just disgraceful. There is no system regarding them. They are shacks—a good many of them are just shacks, with no brick chimneys, chimneys that go through the roof made of tin, and they are fire hazards at all times.

That is the reason, sir, we said this, that there should be a more considerate system for building Indian houses, just the same as there is a standard dictated by contractors and builders under the National Housing Act. Under that act you have to build up to a certain standard, and that standard is a very good one. When you are told, "This house is built according to the requirements of the National Housing Act", it is a stamp of approval of that house, and the same thing should apply to Indian houses. There should be a certain standard and when that standard is adhered to it would give a stamp of approval to it.

It was in that connection we had this in mind—sound construction. This can only be brought about by an architect who would devise a certain number of plans—a good planned room arrangement, not just haphazardly arrived at, proper sanitation arrangements, and a good window plan for sufficient light in the house. These were not just any specific thing, but in a general way, these would make for a decent housing arrangement. And most respectfully I would like to say that this has to be taken seriously. It has been in the past haphazardly done. I do not say that was the intention of headquarters here in Ottawa; but as it comes down the line, when it comes right to building that house, it has been poorly constructed.

And may I say this: I have seen lumber given for a house, lumber paid for by the government through their Indian Affairs branch, and given. I have seen a pile of lumber there from month to month, and from year to year until it almost became unfit for anything like that, because there was no system under which they could go ahead. The man for whom the lumber was bought did not have the money to start with.



So if you do nothing else but bring about a better housing scheme for Indians, then I think you will have done a very good job.

Mr. MONTGOMERY: Might I ask a question here: under section 80 of the Indian Act the council of the band in each—I take it that is in each village—has authority to make regulations governing the construction, and the repair of a house and of buildings whether owned by the band or by an individual Indian. This seems to put control of it in the hands of the Indians in that particular village. Do you mean to tell us that the Indian council is careless, that is, that when they pass these by-laws they do not see that the Indians live up to them? That is my first question. It seems to me that control over buildings and the type of house, sanitation, and everything comes under the control of the Indian council of that band. That is the first thing.

I would like to know if the Indians themselves try to improve their own conditions under this section and under regulations and by-laws which they have the authority to pass?

Dr. KELLY: Well, there are two things which enter into the building of a house where the Indians, the band of Indians, or the band council of an Indian group have the money, the capital funds. They may vote a certain portion of that money out of their band funds towards the building of the house; and the government also, through the Indian Affairs branch, gives a grant too.

And in the past—once again I must say that portion of it was all right; but what the Indian himself did was not always good. Frames would be put up and then a ramshackle outside to the building which would stand for a long time without being finished. Houses which had been started ten years ago are still unfinished. So I would have to say yes to your first question. The Indian council have not been up on their toes.

Mr. MONTGOMERY: The second question to follow is this: there is no money available from the Department of Indian Affairs to assist the Indian, let us say, to build the type of house that the council wants him to build. What is the situation in regard to that?

Dr. KELLY: It comes down to that. There has not been enough money to build a decent house.

Mr. MONTGOMERY: What is your suggestion to this committee in reference to that?

Dr. KELLY: Well, he should have available something like—something similar to the National Housing Act, but for Indians. It would have to be for Indians. It would have to be under the supervision of the federal government.

Mr. MONTGOMERY: You mean the Indian department?

Dr. KELLY: Yes, because the Indian has no access to ordinary loans for borrowing under the National Housing Act, because of his inability to give security on his property on the Indian reserves.

Mr. MONTGOMERY: As I understand it he does not own—the individual Indian does not own his land on the reserve, and if he wants to build a house on the reserve, he cannot get title to that. Is that correct?

Dr. KELLY: What is that?

Mr. MONTGOMERY: He has no title to the piece of land on which he wants to build.

Dr. KELLY: He is given a location ticket which is equivalent to title. And as far as his holding that land is concerned there is no outright ownership by any one Indian of the land on the reserves, because it is communal property.

Mr. MONTGOMERY: Suppose the Indian builds a house on that land for which he has a certificate of occupation.

Dr. KELLY: Yes.

Mr. MONTGOMERY: And the department takes a mortgage; they lend him a certain amount of money and take a mortgage on that. Can he sell that certificate of occupation to another Indian if he wishes to move away?

Dr. KELLY: Yes; to another Indian, but not to an outsider—a non-Indian.

Mr. MONTGOMERY: Does he have to have the approval of council before he sells?

Dr. KELLY: Not necessarily as far as selling to another Indian is concerned. The council cannot give him any approval to sell outside because they do not have the power.

Mr. SMALL: I would like to go back to this matter of sound construction, planned room arrangement, and so on, in respect of building. Also, I would like to put it into proper perspective in so far as the Indian is concerned in relation to building and the problem being left on the council's doorstep. That is not exactly a fair way to do it. Even in advanced municipalities such as Toronto, Montreal, Ottawa, or anywhere else, with the supervising staffs they have, houses are being built and in some cases are not built in accordance with the National Housing Act. You are asking that a plan be set up for the Indians in the reserves with proper supervision and inspection. Obviously, the council would not have competent men to give supervision and say whether or not a house is built properly. Therefore, it should be tied in with the Indian affairs department.

On page 16 of the report here of the Indian affairs department, there is a statement on the housing situation. It gives the whole system of financing, how much money is spent on units completed and welfare expenditures. There seems to be some lack of coordination in respect of who looks after the interests of the Indian while the houses are being built. It is obvious that unless the Indian is a trained architect or builder he cannot build his own home. In houses built 25 years ago, even in advanced municipalities, there are defects, some of them are not fireproofed, and naturally they cannot get insurance on them. Also, unless there is a municipal fire department, one has to rely on a voluntary fire brigade and therefore you cannot expect good protection. Twenty-five dollars a year as mentioned here is very cheap fire protection.

Especially in situations where there are building codes to be enforced, I would say there should be some connection or tie-up with the province to see that the proper building codes are administered. You cannot load this on the Indian council to see that proper building is done. I wonder if Mr. Jones could give us any information on this before we adjourn?

Mr. JONES: There are two phases of the Indian housing program as I see it. We find a great deal of pride in the fact that there has been a definite improvement in Indian housing in Canada. There have been ten thousand homes built as a result of this program. Instead of cutting it out, the amount of \$1 million was doubled last year. There still is an intensive effort in Indian affairs to assist the Indians in having good housing. There have been 10,000 new housing units erected for the Indians throughout Canada in the last few years.

The difficulties are shown on the map at the end of this room. You have a problem when you consider the hundreds of different bands living under varying conditions. It does mean a great deal of cooperation on everybody's part.

But the goal has not been reached, not by any means; but we feel it is within reaching distance. I am sure that with the amount allocated to what we call our welfare housing vote, and what the Indians can contribute through band funds, we will have something very respectable to show for it. Now, the second question is the difficulty—and we are very well aware of this—of operating something akin to the National Housing Act on Indian reserves. We have studied this for several years and I hope to make some suggestions

to you here in committee before you finish your deliberations in connection with amendments to the act, and how it can be done. Broadly speaking, if we could have a sum of money set aside, apart from the welfare housing vote, whereby similar machinery to the National Housing Act could operate on the Indian reserves, it would be very beneficial. However, at the present time you cannot do it under the act.

MR. SMALL: Do you mean inspection services for houses under construction?

MR. JONES: You cannot take a mortgage on Indian property; you are stymied in this connection.

MR. SMALL: I mean for inspection purposes when the house is under construction to see that it is properly built.

MR. JONES: Oh, yes. I think that is a worth while goal if, in some way, the act could be amended in order to provide for this machinery. This would be money that would be set aside where we could use the resources of national housing, or have our own funds set aside; and the Indians, over a long term, could have the privilege of paying it back. That is apart from our welfare housing.

At the present time we have six standard plans drawn up by our architects: one, two and three bedroom houses, bungalows and two storeys, which are going out to the field in order to give our people in the field the latest information we have from Ottawa on fireproof construction and economically well constructed units. That is all part of our idea of seeing that there is a dollar's value for every dollar that is spent throughout the whole of Canada.

MR. HARDIE: Dr. Kelly related some instance where an Indian received lumber from the department, and the lumber sat for a year or so; I wonder if you could explain what the reason would be for that?

MR. JONES: Well, maybe we are prone to observe the exception rather than the rule. I would not doubt for a minute that that could have happened in the past. If you will look at the map again you will see that sometimes we have to get our materials in by winter freight, caterpillar trains and by barges. Something can always go wrong and I would not doubt for a minute there has been lumber that has been paid for, earmarked for construction, and the agent may have died or something may have happened. However, I do not suggest for a minute, sir, that it is the rule. Most lumber we buy goes into houses.

MR. SMALL: I think what Mr. Hardie was trying to get at is that the delivery of the lumber was all right, but when the man did not have the money to go ahead with the building of a house, how could he deliver the lumber when the necessary means was not available to pay for it?

MR. JONES: The rule is that where we can we like to have the Indian council advise the superintendent of the priority needs of the Indians. The council advises the superintendent and then when the money is allocated to that agency they help the Indians. In many cases it is a 100 per cent contribution by the government. Indigent Indians cannot put in a nickel, but where they can put in \$500 or \$250, we ask them to do so.

MR. SMALL: Do you want to continue on, Mr. Chairman, or go down to the house? Perhaps we should come back in an hour's time.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you like to continue at 11.30?

MR. SMALL: It is up to the members present.

MR. MARTEL: Perhaps we could come back after the question period.

MR. SMALL: Yes, at 11.30.

The JOINT CHAIRMAN (*Mr. Dorion*): Do you agree, gentlemen?

MR. MCQUILLAN: After Orders of the Day?

MR. BALDWIN: Eleven-thirty or after Orders of the Day.

The JOINT CHAIRMAN (*Mr. Dorion*): We will reconvene at 11.30 a.m. or after orders of the day.

The JOINT CHAIRMAN (*Mr. Dorion*): Ladies and gentlemen, we have a quorum. We were discussing the problem of housing, and I believe Mr. McQuillan had some questions.

Mr. McQUILLAN: Yes. Mr. Chairman, can an Indian sell his house to another Indian who is not a member of that band—on a reserve?

Is there anything to stop an Indian of one band selling a house on his reserve to an Indian of another band?

Dr. KELLY: I do not think so. Probably Colonel Jones can tell you that better than I can.

Mr. JONES: No, Mr. Chairman; you could not do that. The definition of a band and a reserve ties them both together, it is land reserved for a particular group of Indians. An Indian from another band could not buy or get possession of land.

Mr. McQUILLAN: In other words, the sale of a house is limited according to the size of a band—the possibility of sale is limited?

Mr. JONES: Section 24 says:

An Indian who is lawfully in possession of lands in a reserve may transfer to the band or to another member of the band the right to possession of the land . . .

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any other question on that problem?

Mr. BALDWIN: Mr. Chairman, I would like to invite a comment from Dr. Kelly, from statements which appear on pages 16 and 17 of this review of activities. I think that was referred to Dr. Kelly before the adjournment.

On page 16 there is a table dealing with the construction of houses for Indians, and it says—and this is one of the points I would ask his comment on—that in 1956-57 there were 904 new units completed, at a cost of something over \$2 million; and in 1957-58 there were 880 houses completed, at a cost of \$2,386,000.

I would like to ask Dr. Kelly—in respect to that—how many of these houses were, in his opinion, built in that area of British Columbia of which he has knowledge. After that, on page 17 there is a statement in the middle of the third paragraph which says:

A preliminary evaluation of the survey indicates that at present only

29 per cent of Indian homes can be classified as poor . . .

I would like to ask his comment on that statement also.

Dr. KELLY: What is the last page?

Mr. BALDWIN: It is page 17, Dr. Kelly, the third paragraph. The statement is in the middle of the paragraph:

A preliminary evaluation of the survey indicates that at present only 29 per cent of Indian homes can be classified as poor . . .

I am asking your views as to that, as it relates to the area of which you have knowledge.

Dr. KELLY: I can only make a general observation there. I live in Nanaimo. I work in that reserve of Nanaimo—Nanaimo Indian Reservation. That is under my supervision, as far as church work is concerned.

During the past year I have only known of one house being built there, and that was a small house; I think, a four-roomed house, a living room, a kitchen and two bedrooms. There was no bathroom provided for in that house, but the man himself built it—made that addition to it. That is the only house that I have seen.



Further down south, or north of that probably there were other houses built; but I was not acquainted with that.

On page 17 that you refer to:

A preliminary of the survey indicates that at present only 29 per cent of Indian homes can be classified as poor which certainly represents a substantial improvement over the situation which existed 10 years ago.

Generally speaking, yes, there has been an improvement. What I said this morning regarding the poor houses that I have seen, they are more or less in areas where our people are generally backward as far as progress is concerned—as far as education is concerned. Take a village Cape Mudge, a little further—100 miles north of Vancouver. There the houses are comparable to better class houses occupied elsewhere. That is a very progressive village, and they earn good money. They are probably among the best fishermen on the coast, and their houses are very comfortable with modern fixtures inside and good plumbing. But that is an exception.

I think Cape Mudge can be held up as a model village as far as housing is concerned, generally speaking. There are poor houses there too; but of all the villages I know, that village has the best houses.

Then where my friend, Mr. Clifton comes from at Comox—which is 30 miles south of there, just outside of Courtenay—and where Mr. McQuillan comes from, of course, there the housing is, once again, very good, due particularly to my friend “Bob” Clifton here, who is a carpenter. He built his own house there, and I think he has assisted most of the men who have built their houses there since. The housing there is quite good.

But when you come down further south, to Ladysmith—or across Ladysmith, the bay, from there—and go along south, and even down to Saanich, housing is poor—deplorable. You see windows with a gunnysack stuck in through the window where a pane had gone out, and a ramshackle of buildings that I would not like to put my dog in, I was going to say—some of the houses. Those are the two extremes that you get.

Up the coast, as you go further north, say near the Prince Rupert area, the housing there is generally better. They are not up to the standard probably, of the houses that I mentioned at Cape Mudge; but housing up there, generally speaking, is a little better.

No doubt this report is correct:

A preliminary evaluation of the survey indicates that at present only 29 per cent of Indian homes can be classified as poor . . .

Mr. McQUILLAN: Mr. Chairman, would Dr. Kelly have any comments to make on the suggestion here that, with the additional figures, 7,200 houses, which are expected to be completed within about five years time, it would meet the needs of the Indians as regards housing?

Would you say that the housing improvement in British Columbia has been such that it would appear that if it continues to progress at its present pace, within five years there will be no housing problem?

Dr. KELLY: I am afraid I cannot agree with that. I think the housing problem is going to take a longer period than five years to bring it up to the standard that it should be at. It is going to take time. We must be frank about it; it is not just because the help from the government is lagging behind; it is the people themselves that have to be educated to the meaning of decent houses—appreciation of decent houses. That has to go with it. And to keep up the houses once they are built.

I know this—I was going to say, “I will speak off the record”, but I cannot very well do that—there is a tendency on the part of people for whom things

are done to lean back and say, "This was built by the government, the government can repair it". There is that tendency. How to overcome that, I think, can only be brought about by a process of education—education in the broader sense of the word—so that they would keep up their houses once they were built, generally speaking, which they have not done in the past.

Senator MACDONALD: Dr. Kelly, how would you classify their economic standard, those who are apparently satisfied with poorer housing? Would it not go hand in hand? Their economic situation is not as good as probably those people who are prepared to keep their houses up to date?

Dr. KELLY: In that connection, we had in mind what we have put down here, at the bottom of page 3:

However, the health and welfare recommendation has not been expanded enough. Since health and welfare matters are essentially local problems which should be dealt with by local authority, we therefore suggest that the federal government should negotiate with the province in order that the Indians of British Columbia may enjoy the same standard of services enjoyed by other citizens.

As you know, every locality, every city, every municipality has inspectors, to see that proper housing standards are put into housing schemes, and measure up to them.

I think that must apply to Indians; in fact, I know it must apply to Indians. Otherwise, there would be a tendency to sort of drift along rather than to get up on their toes and put their effort into maintaining good, sound houses, comfortable homes.

Mr. HARDIE: Mr. Chairman, following on what Dr. Kelly has said with regard to the need for housing, I think I understood this morning that Mr. Jones had been asked to elaborate on their housing scheme, and he said the department had six plans for houses. I would like to ask Mr. Jones this question: if you have six plans on houses, do you supervise the building and construction of these homes when they are built on the reserves?

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Jones?

Mr. JONES: To a considerable extent, yes, we try to. Of course, primarily the responsibility for building an Indian house lies with the Indian himself; and many Indians build their own homes without any assistance whatsoever from the department.

Senator Gladstone's band have undertaken quite a considerable housing program, entirely out of their own funds.

We would assist to the extent we felt the band wanted us to assist with technical advice, through our construction supervisors in the field and our agents and superintendents. We are attempting to work with the Indians to build houses that are well constructed and have a proper type of chimney—all depending on what the Indian himself wants in relation to the area from which he comes. It may be a house with two storeys and four bedrooms, may be applicable to a certain reserve down south; but in the north, possibly, a log cabin with windows and proper chimneys is an advancement from the type of habitation the Indian had had before. It is a stage of perspective. I do not know whether I have answered the question, but we do try to supervise the construction of proper houses.

Mr. HARDIE: I think Dr. Kelly, in his statement a moment ago, showed the need for leadership among the Indians in building a good home and in maintaining that home. Would Mr. Jones agree that the superintendent of the reservation has some responsibility in giving this leadership, seeing that

the homes are properly constructed and up to standard and, at the same time, trying to sell his Indian friend on the need of maintaining his new home at a proper standard?

MR. JONES: Yes, I feel the Indian affairs branch has a responsibility to pass along to the Indian the benefit of any modern types of construction. I think that is a role we must assume. That is why we are getting out these brochures for the guidance of our own field staff, which our own architects have prepared. Yes, I think we have a responsibility.

MR. HARDIE: To follow that up, I think, if the department is putting up certain funds towards building homes, I would think they have a responsibility to see that the funds are spent properly and spent in the best construction possible. If a superintendent on a reservation has met with the band council, and a priority list has been prepared by his council for certain homes to be built in that particular season, and the department have put up a certain amount of money to build those homes—I really do believe the superintendent should make the inspection and see the house is built in accordance with proper building procedures.

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Jones, could you give us the approximate cost for building a house, in conformity with the plans you supply the Indians?

MR. JONES: It depends on the locality, sir. They would run between \$2,000 and \$4,000.

MR. BALDWIN: The average is shown on the table at page 16; it is worked out on an average there.

MR. KORCHINSKI: Mr. Chairman, if only for the purpose of clarification in my own mind, might I refer to the information on page 16:

Except in cases of age, infirmity or outright destitution Indians are required to contribute towards the cost of their homes to the fullest extent possible in the form of materials, labour and money, with the department providing assistance for completion of the buildings by way of outright grants if band funds are not available to assist individual band members.

What I want to determine is, how much does the department contribute in such cases? Who decides which case should be granted assistance? Does the Indian, in such a case, have to repay the cost; and—well, that will be enough to start on.

DR. KELLY: In the past—once again Colonel Jones can answer this better than I can—but what has been done has not been a loan to the Indian, but a grant is made outside of what he drew from the band funds; the government has given him assistance. It has not been a great deal; but, of course, it would be too much to expect that the amount necessary for the building of a modern home can be given by two outside sources. It would be far better if he were given loan such as under the National Housing Act, and given a chance to pay it back. Then it is his, and he is responsible for it.

I do not say it is going to be a perfect scheme right from the beginning. He has to learn from experience that the upkeep of that house is his business, that his investment is in it. I think this period of transition from the haphazard way of living—and I am thinking of the coast—to a permanency that is now necessary in the way of housing—in that period he has to learn the value of a good house and he has to be responsible for its upkeep. But to get that there must be a standard insisted upon by inspection and by the proper authorities.

It is in that connection that we thought, since British Columbia, for instance, has the machinery—that is, inspectors for building and sanitation—they should have the supervision of a type which sees that proper houses are built.

I take this view, and I would like to say it again now, an Indian superintendent who is appointed to this job, who has been at work and has come up, or who has been taken from outside and taken into this position, this does not qualify him to become an inspector of construction or sanitation, or anything like that. It is impossible to expect that of one man; and yet that has been more or less the system in the past. The Indian superintendent is supposed to see to it that things are properly done. It is humanly impossible to expect it of one man. There may be one in a thousand who would have the qualifications—but not according to our understanding of the rank and file of personnel—whenever you find them.

There must be a certain qualified man who would see to it that standards are up to a certain degree and left up to that degree. Otherwise our housing on the Indian reserves would continue to be of that haphazard fashion which it has been in the past.

MR. KORCHINSKI: Mr. Chairman, on that very point, we try to maintain standards for construction, having constructed a home, and if we are to increase the standard of the home, I feel—as, perhaps, some of the other committee members may have felt—that inspection of some sort should be made to maintain the standard of the home once it has been constructed.

You can well imagine a street or city laid out with very good plans and then left to go its own way. Perhaps it may be dabbling in the affairs of others, but after a certain amount of work has gone into the construction of these better homes, perhaps some form of inspection should be made if it is not done. Could you clear that up for me, please? There is no inspection at all?

DR. KELLY: Not to my knowledge.

MR. KORCHINSKI: As far as repairs to homes are concerned, that is left entirely to the individual Indian himself?

DR. KELLY: It is up to the Indian himself. As I said, during this last year, during the past year, the one house that was built in Nanaimo belonged to an old gentleman there. His granddaughter lives with him. In that house there was no provision made for a lavatory. Whose fault it was, I could not tell you, but this idea seemed to prevail, "Well, this is an Indian house." He could put up an outhouse some place, and be satisfied with that, because there was no standard maintained. There was no insistence upon that sanitary condition which is necessary to good health. It is because of that we feel that since this is essentially a local problem, local machinery in the city of Nanaimo, or the provincial government I think, should be called upon to do the inspecting to see that houses, whether on the reserve or off the reserve, must be maintained for health purposes up to a certain standard, or built up to a certain standard. That is what we feel ought to be done.

MR. KORCHINSKI: In your estimation, is the rate of deterioration in such homes greater, or the equivalent to, or less than is the case with other homes?

DR. KELLY: What is that?

MR. KORCHINSKI: In your estimation, is the rate of deterioration in such homes greater, the equivalent to, or smaller than in other comparable homes?

MR. HARDIE: You mean in non-Indian homes?

MR. KORCHINSKI: Yes, non-Indian homes. That would be just an opinion, I suppose?

DR. KELLY: No. The houses, as it has been pointed out, are slightly improving. There are other houses on the Indian reserve at Nanaimo where there are bathrooms maintained which have been put in.

MR. KORCHINSKI: My point is the rate of deterioration. I am not asking whether the houses are improving. I understand they are improving. But the



rate of deterioration in your estimation—is it as great as, or the equivalent to, or lower than is the case with other non-Indian homes?

Mr. SMALL: He means maintenance.

Dr. KELLY: Yes. The rate of deterioration is greater on an Indian reserve than it is elsewhere.

Mr. KORCHINSKI: That is right.

Dr. KELLY: Generally speaking, yes, because repairs are not maintained.

Mr. MONTGOMERY: That brings me back to the thing that is worrying me here. I do not know, perhaps it does not worry other members of the committee, but when I read section 80-(h) of that section.

The regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band;

The JOINT CHAIRMAN (*Mr. Dorion*): You have subsection (1) too.

The construction and regulation of the use of public wells, cisterns, reservoirs and other water supplies;

Mr. MONTGOMERY: Subsection (1), is it? At any rate, how will the Indians accept this proposition that you are putting up to us? You say that the Indian affairs branch should consult with the provincial authorities, and that they should have inspectors. I take it that is what you are trying to tell us, and that we should recommend that the provincial government should come in and say to the Indian: "You cannot build this house unless you build it up to a certain standard." And the Indian will say perhaps: "I do not want that." "All right, then, you cannot build a house here."

Does that not bring it back to the Indian council? If the Indian council is satisfied that any member of the band wishes to build a house, and they let him build it the way he likes, is that not the responsibility of the band more than that of anyone else, and is this not more a question of education to build up pride in the community among the members of the band? It is a problem, it seems to me, and it is a little difficult for the department to send a superintendent in, or for the province to send inspectors in, to say to the individual or to the band: "You cannot build this house unless you build up to a certain standard."

Would your Indian accept that?

Dr. KELLY: I think they will have to accept it.

Mr. MONTGOMERY: Do you think we should have to go that far?

Dr. KELLY: I believe with the present standard accepted, that any person who builds a home should accept that standard, otherwise you will have to say: "Well, this is an Indian community; they are Indian houses; we do not expect them to be up to a certain standard; they will be sort of second class houses." You would have to recommend either one or the other. Either they are decent houses up to a certain standard, like band houses, or houses which belong to the people, and which are not. Therefore you are not concerned about whether they measure up to a certain standard or not.

I think the Indian must accept the viewpoint, and that he must measure up to a certain standard in building or constructing his house. I say this with all due respect: I think the department has done marvellously. The federal government has been a generous government in giving attention to the needs that are necessary in the life of the Indians generally; but I think they should go one step further and say: "We are going to see to it that the housing must be built up to a certain standard, and until that standard is maintained, or reached and maintained, we would deprive that particular family or person from building a house." I would say yes, and demand a standard.

Mr. MONTGOMERY: Once the house is built, how are you going to compel him to keep it up and maintain it properly without some sort of pressure?

Dr. KELLY: You said that education was the answer. The very fact that our young people are mingling with non-Indians in their school life, and sometimes going into their homes, and seeing those homes, all that is of tremendous help in developing their appreciation of what a home is.

Mr. BALDWIN: That brings me to the question I want to ask. Would Dr. Kelly think that in regard to new housing the question of location should be such as to facilitate the integration and the advancement of the economic possibilities for Indians?

Dr. KELLY: What is that?

Mr. BALDWIN: The question of the location of new houses—should that be considered a definite factor, so that you might locate those new houses in such areas on reserves so as to facilitate and accelerate the integration, and also the advancement of the economic prospects for Indians?

Dr. KELLY: You mean the location?

Mr. BALDWIN: As far as new houses are concerned?

Dr. KELLY: By way of getting loans?

Mr. BALDWIN: New houses are being constructed. There were apparently 880 new houses constructed in 1957-58, and 900 odd in 1956-57. Do you think that these new houses should be constructed on the reserves in such a place or places as would hasten integration? Should they be placed in areas where they would be close to places where Indians could secure employment, and where they would be able to go to mixed schools?

Dr. KELLY: You have locations on your reserves, and you cannot move them.

Mr. BALDWIN: I know.

Dr. KELLY: You are confined to building lots or to building areas; you are confined to certain areas on an Indian reserve as much as you are on non-Indian reserves, so to speak. You simply cannot go where you want to go. Your property is there, and that is where you are going to have to build.

Mr. KORCHINSKI: On the whole question of maintaining standards, do the band councils set aside any money for repairs at the present time?

Dr. KELLY: What is that?

Mr. KORCHINSKI: Do the band councils set aside any monies specifically for repairs to existing dwellings?

Dr. KELLY: Yes; the band council does everything possible. I think probably it is the wisest thing, as far as allotting locations to people to build houses is concerned. But they cannot always do that. The lot may belong to somebody else, just as in the case of a person in the city of Ottawa. It is his land, it is his holding, and he is not going to be shoved around to make room for somebody else.

Mr. KORCHINSKI: Excuse me. What I was referring to was this: do the band councils set aside any money to be used as loans, perhaps, specifically for repairs to homes already constructed?

Dr. KELLY: Out of their own money?

Mr. KORCHINSKI: Yes.

Dr. KELLY: If they had the money.

Mr. KORCHINSKI: Is that the practice now?

Dr. KELLY: A good many bands have no money, but they do that as far as capital funds are concerned.

The JOINT CHAIRMAN (*Mr. Dorion*): The main purpose of our inquiry is to determine the amendments to be brought to our Indian Act. Now, as it was mentioned by Mr. Montgomery, you have article 80 of the act which reads as follows:

## POWERS OF THE COUNCIL

80. The council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely:

and I quote paragraph (h)

(h) the regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band;

and paragraph (1)

(1) the construction and regulation of the use of public wells, cisterns, reservoirs and other water supplies;

I would like to know for my own information if you believe that the council of the band would be ready to accept the amendments to this article in order to give control to the department over the question of building houses, or repairs, and so on?

Dr. KELLY: What page is that on?

Mr. MONTGOMERY: It is on page 27 of the act.

The JOINT CHAIRMAN (*Mr. Dorion*): Because up to now it is under the authority of the council of the band.

Dr. KELLY: You will pardon me for taking a long and round-about way to answer some of these questions. There are certain things not available on Indian reserves. The Department of Indian Affairs has been doing its best to maintain a good water supply, or to bring about a good water supply, but that has not always been possible. However, very slowly the water supply, like everything else, is improving. However you cannot do that hurriedly. It takes time to bring water from a certain lake into a certain Indian village. Also, a large sum of money is involved. Yet that is the basis of our good healthy villages—a good water supply and all things of that nature.

I would say, generally, that supervision is necessary. If the band council is unable to supply that, then officials of the Indian affairs branch with proper qualifications must see to it that these standards are accepted and adhered to. I am not holding to the position that just because you do something for an Indian you will immediately make him a changed man. He has to learn only by a process of education. I do not mean strictly narrow education, but rather in the wider sense which comes from observing how other persons live. That has been a tremendous drawback.

The mingling of Indian persons with other non-Indian persons has not been general. They have more or less been segregated people. They have seen houses from the outside, pleasant, nice, beautiful homes, but not many of them have had access to the inside of those homes to see what they are like. I would say there are Indians living in British Columbia who have not been inside a modern house. What he does not know, he cannot maintain. Yet that standard is necessary. It must be adhered to.

That is my very humble opinion from the viewpoint of a builder. My friend here, Bob Clifton, probably could add more to it more intelligently than I have been doing.

Mr. MONTGOMERY: I would take it, Dr. Kelly, that this integration should start with the children at the very early ages, such as going to kindergarten schools, grade one and right on up. In other words, I take it that where it can be done the little Indian school should be abolished and the children sent to the common public school.

Mr. CLIFTON: Mr. Chairman, some of the reserves which are close to municipalities are lucky. For instance, the reserve on which I live, I transferred to that reserve because I like the place. Our reserve is right between two muni-

cialties. There has never been a school there. The numbers of those who have transferred to this place in Comox have increased quite a bit with the new members we have. There were originally no more than two or three families there when I moved in.

The children who are going to school go to a non-Indian school because there was not an Indian school built there. The fellow who was our chief there tried to get the idea across of building a school right on the reservation. I said, "If you do I will cut your throat". Those are the words I used. I said, "I will cut your throat if you ask the Indian affairs branch to build a school." I said, "The kids are lucky. They go home from school with their playmates and are taken into the houses." There are places like that on Vancouver island.

Alert Bay is another place which is lucky. They have a home school there. They closed the school in that residential school area and are sending all the children to the non-Indian schools there. They have a junior high there. I think the department put in quite a bit of money there in putting up that school right on the hill and they transport the children from the old school into that.

At Cape Mudge which Dr. Kelly was speaking about, on an island across Campbell river, the same thing happened. The children are integrated. They have a bus service right from the village which takes them to the ferry which goes out to Campbell River, which is about a five-minute run. Today the kiddies are all going to school at Campbell River. The children going to high school go to Campbell River. They closed down the school which is on the reserve and are going to make it into a kindergarten next year.

There are places like that. In the isolated places I do not think there is very much you can do. They have just about cut off the steamship service now along the coast there. However, there are places which are lucky and I know they are doing away with all the Indian schools.

In respect of the construction of houses, before you take electricity into a house you have to make an application to do that. I know when I took electricity into my home I had to make an application to have it come into my house. The inspector comes along after the application is granted. I think I paid \$3 for the application on my house. Then I did the wiring myself. I think there is quite a regulation on wiring of a house. I believe today a house has to be built to certain standards and has to be well constructed.

Dr. KELLY: And wired right up to a standard.

Mr. CLIFTON: Afterwards when the inspector comes back he might say you did not do this and did not do that. Today we have to have an electrician do the wiring. I do not think a fellow can wire his own home any more. They have tightened up the regulations. Where the reserves are close to municipalities and where there is a power commission you have to apply for the electricity. The house has to be wired when it is just a shell and the inspector comes and looks at it. He may say, "Hey, this is not good." If they figure a house will shift just a little it will affect the wiring of the house. The house must be very well constructed; it has to be a solid piece of frame right from the foundation up.

The JOINT CHAIRMAN (Mr. Dorion): Mr. Clifton, I understand from what you told us a few minutes ago, that there is no feeling of resentment at all on the part of the white population in respect of the mingling of the Indians. There is no feeling that there should be segregation in your country? There is no objection at all from the white people to mingling with your population?

Mr. CLIFTON: No. In the place where I stay, I am more of a white man than Mr. McQuillan is.



Mr. HARDIE: I would not like the impression to be left by the witness that because of the move from the residential school to this school of which he speaks that the persons coming out of this new school, or municipal school or whatever it may be, may be more inclined to maintain and look after their homes than the others.

I had an experience in 1954 in my own riding. The Minister of Northern Affairs and National Resources at that time, along with his deputy and some others including myself, travelled the Mackenzie river. At Fort McPherson we were taken into the three model homes which the department, not only of northern affairs but also of Indian affairs, considered were the model homes in the community. They were all clean and well equipped. As a matter of fact, one Indian had a lighting plant at the back of his home. This was shown to us. When I asked these men and women in these three model homes we had visited where they had been educated they told me they had all been educated as boys and girls in the Anglican mission school at Hay River many years before. These were the homes which were considered in the eyes of the various departments as the model homes, where the Indian was maintaining his home and keeping it up to scratch, if I may say so, and in line with homes which may be inhabited by non-Indians.

I do not think the impression should be left that the students or the people who have attended the residential schools will not maintain and keep up their homes to the same standards as persons coming out of municipal or public schools.

Mr. MCQUILLAN: I was going to ask Mr. Clifton and Dr. Kelly if one of the greatest problems facing us—and Dr. Kelly has already stressed this—is housing and, as time goes on, more and more children in areas like Comox, Campbell River, Cape Mudge and Alert Bay will become completely integrated with the white children and at that time there is going to be a bigger demand for a fully modern type home, that which is equivalent to what is considered a good home for the white population. Do you not foresee an increased demand in those areas, particularly for financing of homes, because of the rapidly increasing population of those areas?

Dr. KELLY: You mean closer to the cities themselves?

Mr. MCQUILLAN: Yes.

Dr. KELLY: Wherever possible, that is the hope of the people. It is our hope that wherever possible new houses will be built on reserves which are close to a city or a municipality, and that they will be close enough so that you will not be able to tell the difference between an Indian community and a white community. Of course, that is a hope; except in very few instances, it has not been possible up to the present time. Once again, we must urge integration of our younger people with our other children, not only in the schools but in visiting homes. Seeing the different homes gives them aspirations to come up to the standard that they see. We are all the same; we learn by copying other people. However, that is where our efforts are being directed.

Mr. SMALL: Mr. Chairman, I think we have explored the subjects of housing and integration. We have the pattern on it up until now and, probably, we have covered the whole ambit of this brief which is before us.

The problems are integration and the transition which is taking place. It looks to me that it will take probably 20 or 25 years to work out this integration program with the coming generation. The explanation which Dr. Kelly gave us this morning shows this pattern of development. They are trying to get better schools and housing. However, as pointed out by Mr. Clifton, electrical inspection, plumbing and sanitation are expensive propositions; also, the cost of maintaining water, sewage and septic tanks is going to be quite a

problem. However, I think Dr. Kelly gave a very good outline of what they have in mind in the way of a program to take care of this. They will not accomplish it in a hurry.

In the report you have mention of how much money has been spent in a ten-year period; the increase there is quite a good one. It is not fabulous but a good one.

I think from what you have submitted to us today a good ground work can be laid. We have your views. I hope a lot of good will come out of this hearing, that most of the problems you have presented today will be attacked and that a solution will be found for them; but, as I say, this will not happen immediately. However, education is one way of accomplishing your objectives.

As I mentioned last night to someone, we started off in the first place to starve the Indian into submission and later on we decided to get good-natured and be generous to him and let him go his own way. However, we found out that this insulted him, and he gradually worked into what was best for him. I think that is what the department has in mind, and that is why we are here.

We are here to give consideration to the matter of inspection, the matter of education and the matter of all these benefits. When they are all tied in together it will probably solve the particular British Columbia situation.

We know that you gentlemen are anxious to get away. You have been very generous with your time. Although you have been with us all day yesterday and today, it looks as if we are going to be able to finish this afternoon.

I think we have gone as far as we can in connection with housing and I do not know whether there is anything else in this connection that we can discuss.

Mr. HARDIE: I do not know, Mr. Chairman, whether or not the question I am about to ask has been asked. It relates to the last section, section 7. I am wondering if Dr. Kelly can answer two questions for me.

The first question is this: I wonder if he could explain to the committee what he means by:

The day of denominational education has outlived its usefulness.

My second question is this: I would like to know in what part of British Columbia, is there more than one curriculum used in schools, Indian or non-Indian?

Dr. KELLY: Would you repeat your question?

Mr. HARDIE: You say that the Native Brotherhood of British Columbia requests that there be only one curriculum for Indian and non-Indian schools; is there more than one curriculum for Indians and non-Indians in British Columbia at the present time?

Mr. HENDERSON: Not that I know of. I was chairman of a school district in which a great number of Indians lived. There was only the one curriculum and the Indian school children were as smart and obtained as high marks as the white children. I am referring to Kelly Lake, where there were some 50 children.

Mr. HARDIE: Would this be a fair question: are you aware of two curriculums in the province of British Columbia?

Dr. KELLY: In some cases the educational standard required has not been up to the provincial standards. I think that is simply due to the fact that some isolated places are not attractive enough for a qualified teacher.

Mr. HARDIE: That may be another point; my question was strictly on the curriculum.

Dr. KELLY: Do you mean whether or not the Indian children are being integrated into other schools?

Mr. HARDIE: Do you know of any school in British Columbia, Indian or non-Indian, where there is a different curriculum used than that one laid down by the provincial education authorities?

Mr. SMALL: Do they conform to the provincial curriculum?

Dr. KELLY: I do not know if that is a fair question; I am not the inspector. We can only judge by the results produced by the different schools.

Mr. HARDIE: Well, it may be that the results may not be the same, but that does not mean that there is a difference in the curriculum.

Mr. SMALL: Probably Colonel Jones could answer your question.

The JOINT CHAIRMAN (*Mr. Dorion*): I believe, gentlemen, it is time to adjourn.

Mr. SMALL: Mr. Chairman, let us hear from Colonel Jones before you adjourn the committee.

Mr. JONES: Well, Mr. Chairman ladies and gentlemen, I am not aware of a double standard of curriculum in British Columbia or in any other province of Canada.

There might be an isolated case due to our not having hired a certificated teacher and, in that case, the instruction may not be up to par; but, so far as I know, there is just the one standard curriculum in Indian and non-Indian schools.

Mr. MCQUILLAN: Is the same curriculum pursued in the denominational schools, the church schools, as in the provincial public schools?

Dr. KELLY: I think that is the whole question.

Mr. JONES: So far as I know, yes.

Mr. MCQUILLAN: Is there an inspection service by provincial school inspectors to ensure that the same curriculum is pursued?

Mr. JONES: Both the residential and day schools are inspected by provincial school inspectors.

Mr. MCQUILLAN: You say by provincial school inspectors?

Mr. JONES: Yes.

Mr. SMALL: Mr. Chairman, I think we can adjourn at this time.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes. Would it be convenient if we met at 3 o'clock this afternoon?

Agreed.

## AFTERNOON SESSION

FRIDAY, July 3, 1959

3.00 p.m.

The JOINT CHAIRMAN (*Mr. Dorion*): Senators and gentlemen, I regret—not for you, but for myself—that this afternoon I have to bring up a bill before the Commons and consequently it will be necessary for me to be absent. I would suggest, if you have no objection, that Mr. McQuillan act as co-chairman during my short absence.

Some Hon. MEMBERS: Hear, hear.

Agreed.

Mr. HOWARD: Do you not wish general elections were this easy? Harry?

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you very much—if you will excuse me. ....

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Ladies and Gentlemen, shall we resume? I believe we were still discussing section (e) of paragraph

3—housing—when we adjourned. Does anyone wish to question further on the subject of housing?

Mr. HARDIE: There might be one question I could ask Dr. Kelly. If the Department of Indian Affairs were to work out some arrangement whereby the Indian could purchase, or construct homes similar to what Indians off reservations can do under National Housing—and other people can do under National Housing—what would be the position of the Indian if he were to fall behind in his payments and, like under National Housing, had his property dispossessed?

Dr. KELLY: What would be the position?

Mr. HARDIE: What would the Indian think of this, if he could not make his payments and then the department had to dispossess him of his home—as they would, under National Housing?

Dr. KELLY: It is a rather difficult question to answer. I do not think you would have to let out these houses indiscriminately. You would have to pick the people who apply—their ability to earn and pay: unless it is assumed that some people are going to be helped along and houses would be provided.

But under a system similar to National Housing, definitely the Indian must be given to understand that every year he will have to pay so much; he would have to enter into a contract, just the same as anyone else does. I think he will measure up to that expectation and the contract, and in time he would pay for his house.

There are some seasons on the coast that are much better than others, in the way of earning. In other words, he may be in a position some year to pay probably \$2,000 on a house: other years he may not be able to pay much more than \$200 on it, depending on what kind of season he has had. I am thinking about the fishing season.

Mr. HARDIE: Then it could not be arranged under the same type of legislation as we have under the National Housing Act, where there would be so much paid each month over so many years, or if you fell back on your payments, after so many months they would dispossess? It would have to be a different type of deal, would it not?

Dr. KELLY: I do not think it can be done very well.

Mr. HARDIE: Not under National Housing—not under the same system?

Dr. KELLY: What you would have to do is this: in his good years, possibly he would have to pay for two or three years payments, and then when the lean years come—the lean seasons—he would be protected by having paid for those lean years.

Mr. MONTGOMERY: That would apply, I presume, only to along the coast area?

Dr. KELLY: Yes.

Mr. MONTGOMERY: In other areas Indians work out, doing carpentry work for wages?

Dr. KELLY: Away from the coast, in the interior, where their earnings are more uniform, I would think they would have to pay a yearly allotment, the same as anyone else does.

Mr. HARDIE: I think—in short—it could be said this would only apply to Indians in Canada who have developed sufficiently, economically, to pay for a home under a scheme such as National Housing. But I know there are a great many Indians in Canada today—whether or not they have them on the coast, I am not too sure—who could not pay for a home under National Housing or any other scheme, from the earnings they make in one year, or make in 20 years.



Dr. KELLY: We realize that too.

Mr. HARDIE: So you would not do away with what the Indian Department is doing today, entirely? You would set up a scheme similar, as you say, to National Housing for those who are economically able to do it; the others would still be given homes? Actually, they are given homes by the Department of Indian Affairs now; 100 per cent of the home is supplied—the material and everything else is supplied by the Department of Indian Affairs where they are not economically able to pay for their homes. So there would be two different systems, really?

Dr. KELLY: That is not only possible, but probable.

Mr. HARDIE: I do not think it could be worked in any other way. Under your scheme of National Housing, there would be, a great many Indians in Canada today who could not buy a home under such a scheme?

Dr. KELLY: Of course, we were thinking of those who are able to earn their way; and they would appreciate, I think, paying for their houses as well.

Mr. HARDIE: So there would be the two schemes, as far as you are concerned?

Dr. KELLY: Yes.

Mr. HOWARD: Mr. Chairman, unfortunately, I was absent for some of the discussion that took place under this section regarding housing. The suggestion, or the comments which I make may have been covered before, and if so, perhaps you will let me know. Then I will not be wasting the time of the witnesses and the committee.

With respect to the—not the question of payment for houses, which is another matter connected to it; but with respect to a building code, or the establishment of standards which houses on Indian reserves should meet, I wonder whether it would not be more practical to have the governor in council, or the minister, establish model by-laws, as it were, for a home being constructed and for the repair and use of buildings, as set out under clause (h) of section 80. And then for these to be used as a guide for band councils which may want to establish by-laws themselves relating to the building code, or have standards for housing on reserves, so that there is some general uniformity across the nation on home building.

I think without that, if the council of each band were, in accordance with section 80, to make regulations pertaining to the construction, repair, and so on, of houses, or to establish a building code, you are likely to have as many different types of building codes as you have band councils. You will have a low standard in one village, a higher standard in another and something in between somewhere else.

It is my thought that perhaps the minister could develop some sort of building code regulations which should be met by each reserve, or village, when houses are built on that particular reserve or village. The band council now has the authority to make by-laws respecting the regulation of traffic and also with respect to domestic animals, and I notice that in here we have regulations by the governor in council regarding dogs and also regarding traffic on reserves. I wondered whether something along that line could not be approached and then this would be the guide, the uniform guide, or set of by-laws which would be established and each band council would follow.

If the band council would undertake to deal with the question of a building code on that reserve, there would be some uniformity and the houses would also meet some particular standard, in so far as sound construction, sanitation and all the other factors that go into homes are concerned.

Mr. HARDIE: Would your suggestion include the type of material?

Mr. HOWARD: It could, very well.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Dr. Kelly, would you care to comment on what Mr. Howard has said?

Dr. KELLY: I think that is what we were striving for all morning.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): As Dr. Kelly stressed this morning, there is a strong need for a proper code of building regulations, but he did not enter into the field as to how they should be established or administered.

Dr. KELLY: We were saying that instead of putting it on the band council, it should be more or less after the same plan as the national housing, and that a proper inspection be made of the houses as they are constructed; just the same as under National Housing Act, from time to time an inspector comes to see if the house is properly constructed, so that when it comes to the time when wiring for electricity is done it is properly done, not by one ambitious man who thinks that he can do it, but according to the standard in vogue wherever that house is built—and, of course, there is a standard throughout the country for that sort of thing. Whether the band council members could appoint a man who is competent enough to act as an inspector is rather questionable. In that connection we thought if the Indian affairs branch ask, let us say, the provincial government to do the inspecting—they have the machinery for that sort of thing, and the municipalities have their inspectors—we would make use of that facility. So that the houses built under this scheme would be properly constructed houses.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): If there are no more questions on section 3 we will continue with section 4.

Mr. HOWARD: Yes, Mr. Chairman—

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): You have another question on section 3?

Mr. HOWARD: No, on section 4, the health and welfare arrangements. I take it from this reference in section 4 to health and welfare—when you make reference to the fact Indians should enjoy the same standards of health and welfare as non-Indian people do,—and perhaps I may interject my own thoughts here on this matter—do you have in mind the eventual possibility of having health and welfare jurisdiction handled by the provincial government authorities, who now handle it in so far as non-Indians are concerned?

Dr. KELLY: Yes, in this particular regard I think that is the only way.

Mr. HARDIE: Could I ask, is there a different standard of services?

Dr. KELLY: I beg your pardon?

Mr. HARDIE: You say here, "The present double standard of services." Is there a different standard of services for Indians in the province of British Columbia, as there is for whites, and if so, what is the difference?

Dr. KELLY: It is not the standard that is expected, but a standard that has become general in usage. You cannot say an Indian reserve—say, once again, one like Nanaimo—is up to the standard of the homes that are built in the city of Nanaimo itself. They are as far apart as the poles.

Mr. HARDIE: I am speaking of the hospitals and the services you receive in hospitals.

Dr. KELLY: That is a different thing entirely.

Mr. HARDIE: Have you two different standards in British Columbia in hospitals?

Dr. KELLY: No.

Mr. HARDIE: There is one standard?

Dr. KELLY: Yes, there is one standard.

Mr. HARDIE: You get the same services in your hospitals, ones which an Indian goes to, as a non-Indian gets in a hospital he may go to?

Dr. KELLY: Yes.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Dr. Kelly, I notice in the first paragraph of section 4 you say, "It is gratifying to note that of the six points enumerated five of these have been implemented by legislative cooperation". What are the six points you are referring to there?

Dr. KELLY: It is just a little hard for me to recall that at this time. I think, as far as we were concerned, we were thinking at that time there was the provincial vote which was not enjoyed by the Indians. That became a reality. The Indian children attending the public schools of the province—they were just outside of their reach altogether at that time. That became an actuality. There were several things like that. I cannot just recall them all; but out of that I think the one that—

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): What would be the one that has not been implemented?

Dr. KELLY: The one that we did not implement?

Mr. HOWARD: On health and welfare—

Dr. KELLY: The one we did not come to enjoy was—possibly, we were thinking of sanitation inspection on the reserves. The medical treatment—that is to say, as far as attendance in hospitals was concerned—had become general. The Indian enjoys as high a hospital standard as anybody else. There was a time when, if an Indian went to hospital, he went to an Indian ward, shoved off to one side where Indians were relegated to go. That is not so now. Indians are in the general wards, mixed up with other patients. They do not think there is any danger of contamination now, and the Indian is treated as well as anyone else.

I might say, for the benefit of this committee, that I remember, in my time—I was a young man, a minister in Nanaimo at the time—when it was suggested by the Indian superintendent—the Indian agent at that time, he was called—that certain Indian children be allowed to go to a certain school because it was close to them, and that otherwise they had a long distance to go to the Indian school. The Indian affairs branch would pay for the share of the teaching that was involved. That was all arranged and the school board was favourable, until a parent of one of the girls attending that school came in—a lady whom I knew very well—and she objected. She did not want her girl to become "contaminated"—that is the word she used—by the Indian children that would be attending that school, and it was dropped. And that sort of thing prevailed. I remember at the Campbell River Indian children passed through the lower grades and were ready to go to high school. There was objection to their going to the high school until the provincial school act was amended; and when that act was amended, of course it brought the Indian children into the public schools. We are grateful for that. It was one of the great forward steps, I think, in the history of British Columbia when that was done.

Mr. KORCHINSKI: May I ask Dr. Kelly if he feels that the question of inspection for sanitary purposes would be one for the provincial, for the federal, or even for the band council, for that matter?

Dr. KELLY: What is that?

Mr. KORCHINSKI: About the whole sanitary question, who should assume the responsibility?

Dr. KELLY: For the inspection?

Mr. KORCHINSKI: Yes.

Dr. KELLY: I would think the province, if they were asked to assume that responsibility; that would be their responsibility.

Mr. MONTGOMERY: That raises this question in my mind; who should ask them? Should it be the band council, or should it be the Department of Indian Affairs? That is bothering me all through this. I am thinking maybe not so much about the Indians you represent. I am thinking of Indians generally, and naturally of the Indians in my part of the country. I come from down east.

I am wondering if the Indians should not be consulted. I do not believe we can force these things on them and say: "You have to do this and to do that." It seems to me that the Indian council are the first ones who have to realize that they want to have their position improved, and we should try to work up from there. I admit that I think that the department is now doing a lot in the way of educating them to want better things, such as to take more pride in their communities, and so on. But I wonder where this request should come from. Take in British Columbia for example.

Dr. KELLY: I am sorry for the interruption. As you say, somebody has to be responsible for it. But, to wait for the band council to act, or for whoever is responsible in the village to act on some of these things, could mean that you have to wait a long time; too long. There is a certain sense of urgency in the matter. Progress is not waiting for any person or for any band of people.

Therefore there must be an urgency about this; and while the band council could be expected to do this, to ask for inspection, we think that if it were put on a time table basis, that inspection takes place at certain periods, let us say so many times, once a year, or twice a year as the case may be, making it a uniform system, then there would be no discrimination or—what is the word I want to use?—the singling out of anybody else for this purpose; and if it were a uniform system of inspection, so many times, once a year or twice a year as the case may be—unless there was a real need for urgent inspection which might be caused by sickness or by an epidemic of some kind—

Mr. MONTGOMERY: One step further and it is this: supposing the band council is cooperative and they want this; they make by-laws. I assume that under those by-laws they would need penalties. And as the inspector goes around he inspects the village, or this band, and he finds a lot of the sewage system is bad, and he finds that a lot of the Indians are not trying to keep their places clean, or various things. Unless there is the cooperation of the band, then there is no way of forcing them to do anything, is there? Have you any suggestions or comments in that regard?

Mr. CLIFTON: Some of the band councils now are doing that, especially in my little band where there are not so many. I have given the idea to our councillors. They were trying to get me to come in, but I refused to be a councillor. However I have given them the idea that the council should set up committees like that for sanitation and things like that, and to go and see what could be done. And even in our waterworks, we go after the fellow who inspects the drinking water, and he comes around and tells us what to do, and we have done that to our water system.

We have our own water system out of a spring, and he tells us what to do to clean that water. And in time he comes back and inspects that water again. Now at Alert Bay the same system is set up there; and talking about houses, if a house does not look good, these fellows have to tell the owner that if he does not keep up the place they will have to tear it down, because it is a disgrace to the village. And in turn if you put in a law, and they say all right, then there has to be a proper face cleaning, they do it.

Mr. MONTGOMERY: I am going to ask you to comment on this thought. If in British Columbia the department gave it consideration, and if it were



considered, would there be more results if it was some Indian, someone like yourself who is interested in this who was employed to go around and interview the various bands and to keep after them? Would it be a means of bringing to an end what you people are asking for here in the way of sanitation and building codes, and getting up pride in the community among the various Indian groups? Do you think that one of your people could do a better job than the Indian Superintendents are doing?

Mr. CLIFTON: Mr. Chairman, there has been a terrific amount of work done by the Health and Welfare Department in the way of improving health and sanitation, especially in British Columbia where they set up three hospitals for T.B. patients, and where the amount of deaths through the years—where people had to be on a waiting list to get into that hospital, while today there are empty beds there, as a result of the terrific work that the doctors are doing.

The reason we have this here is for the good of the people, to see that they have everything clean around the places where they live, and to cooperate with the work which the doctors are doing. That is our general idea of having that. And we figure that if it was a compulsory deal from the department, they should send a circular to all the band councils that would say: "Now this is what we want you to do for your own health, and for the health of your children".

Mr. HARDIE: Mr. Montgomery's question was, I think, concerning enforcement, or concerning education of the Indians towards more sanitation. Do you feel, in your opinion, that it would be better to have an Indian travelling through the different agencies or bands trying to get the cooperation of those bands and to have an Indian employed to do this rather than the Superintendent on the reserve, or some other person from the department?

Mr. CLIFTON: I think so. I think whoever is going to be appointed will do a good job if he is interested in this matter.

Dr. KELLY: I think a competent man is the main thing. I would not say he has to be an Indian. He must be a competent man to do the job, and if he is competent by all means let him be an Indian. But if we do not have a competent Indian to do the job, then it should be somebody taken in for that job, so long as the work is done properly. I trust that as time goes on, and as the Indian begins to appreciate the value of this a little more, there will be young Indian men who will fit into that work and probably do a very fine job.

I am hoping the time will come, in the not too distant future, when our Indian young men and women will fit more into—as it has been expressed here—the system of administration of the Indian Act both on the reserve and also in Ottawa. Probably I am ignorant about the matter; I do not know what the situation is in Ottawa at headquarters in respect of engaging Indians. As well as in other fields, we have been stressing the teaching field for Indians.

There are several teachers who have qualified and who have taught school, not only in Indian schools but also in other schools. My son, who is now here in Ottawa, was principal of a school in Langford outside of Victoria. It was a five-room school. He was there until he entered the civil service of the province, before coming here. The school was a non-Indian school; there was not a single Indian child in that school. Similarly he was vice-principal of a school in Comox. I think it was during his time that Indian children first began to come into that school. That is more and more becoming a general thing. If an Indian qualifies and is fit for his job, then he will take the job whether or not it is on an Indian reserve.

Mr. SMALL: I wonder if I might have some information about this. In section 72 of the act, reference is made to the following: controlling the spread of diseases on reserves, whether or not the diseases are infectious or communicable; to provide medical treatment and health services for Indians;

to provide compulsory hospitalization and treatments for infectious diseases among Indians; the inspection of premises on reserves and the destruction, alteration or renovation thereof; prevent overcrowding of premises on reserves used as dwellings; provide for sanitary conditions in private premises on reserves as well as in public places on reserves. Where does that fit into the picture you are presenting here today? There seems to be some control there.

Mr. JONES: As a rule, the provincial health laws apply on the reserves. There are the Indian health regulations. In most cases, the Indian superintendent is the medical health officer. As a point of interest, I think next week they start the first course in eastern Canada on sanitary aids for selected Indians to attack this thing about which Mr. Montgomery has been speaking. It is a good short course. I should not speak from memory, but I believe it is the Indian health service which is running it in order to give them a week or two on the latest sanitary aids in the hope of inspiring some leadership in tackling the very things this committee has been discussing this afternoon.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): Would it be fair, Dr. Kelly, to sum up the evidence of yourself and Mr. Clifton to the effect that you feel the standard of sanitation must be brought up to a sound level, even if compulsion is necessary?

Dr. KELLY: I think so.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): If there are no more questions, we will go on with section 5.

Mr. HOWARD: Section 5 is a rather lengthy one which contains a number of different questions, some of them connected. Perhaps Dr. Kelly, because of his long years of experience on this one particular question, would enlarge on this matter of the Indian land question which is referred to in the third line of the first paragraph. Perhaps this might be of some interest to the committee. He might give us a bit of a review of the British Columbia land question, as it is commonly referred to, and perhaps the officers of the Native Brotherhood might give us suggestions as to how this question can be solved.

Dr. KELLY: Mr. Chairman, there are some things I think I can do better if I get on my feet. Therefore, I will stretch out a little.

This goes back to the time when the dominion government, before the days of Confederation, and after Confederation, was taking over large areas of lands in the provinces. They recognize there was a principle of ownership involved and that even before the early pioneers came here there were people here, and they were the Indians. Whatever their ownership amounted to, it had to be dealt with. As far as our people are concerned—and I am thinking of the Queen Charlotte islands—it was an outright ownership. A stream flowing through a certain part of land belonged to a certain family or tribe. The fish that went up that stream belonged to them. Before anybody else could fish there, they had to get permission. They could not just go because they felt they would like to. It was a recognized ownership between the tribes.

That ownership also was recognized by the British crown from time immemorial in different parts of the world—in Africa and, let us say, in Canada. It was because of that that treaties were made.

Before settlements became general on those lands they had to deal with the Indian title; it had to become extinguished; therefore, treaties were made and so you have Indians receiving a certain amount of money every year. I admit it is a small pittance; nevertheless, it was recognizing a title and there had to be a settlement made and a payment made; and that continues to the present day. I believe it will continue as long as the rivers flow, the grass grows and the sun shines. That undertaking was given by the government of Canada. Now then, in British Columbia, that was not done. Is this what you asked me to do?

Mr. HOWARD: Yes.

Dr. KELLY: It is not because it had not been recognized, because when the British Columbia government took over the government of the province, it was pointed out by the Minister of Justice right here in Ottawa—I do not remember his name, but it seems to me it was the Honourable Mr. Blake—to the provincial government that they could not open the land for settlement unless the title of the land was dealt with first. To whom did it belong? The British Columbia Land Act was disallowed by the federal government because it did not recognize the Indian title to the land. That is all in history. If you asked me to go and get the book in which to find this out, I would have a little difficulty, but I can produce it. It is in the library here in Ottawa.

Now then, it came up again, and something had happened. Pressure was brought to bear on the powers that be. I do not know what the arguments were. The British Columbia Land Act was allowed to go through and, ever since that day, the British Columbia government has refused to recognize that there was such a thing as an Indian title in British Columbia.

In the thirteenth article of the terms of union it is pointed out that the lands would be set aside—given by the province or set aside by the province for the benefit and use of the Indians; and then it went on to say that a policy as general as had been pursued by the former colonial government would be carried out. That was as far as it went. The administration of the land and the overseeing of Indians generally were placed in the hands of the federal government; hence, you have your Indian affairs branch.

It was because of the foregoing that we petitioned parliament, and, I think, this was done first, in 1924. I was here. I read somewhere that I was there; but I was here. That petition bears my signature. It was allowed to drift along. We were treated here very cordially when we arrived—a sort of slapping us on the back a little—and that was the end of it. But we came here again and once again it came to the surface. I remember meeting Mr. R. B. Bennett then. It was before he became the Prime Minister. You remember the period when ministers had many portfolios; they were acting ministers. Mr. Bennett was the Acting Minister of Justice and he was also the Acting Minister of the Interior. There was no Department of Citizenship and Immigration at that time. Indian affairs was under the Interior department. I went to see him and had a long talk with him. He said something like this to me—I cannot give you the exact quotation, but he said something to the effect that if this government is returned to power—an election was coming along—and I said to him that he would be elected to power. He said: no; there are two things I do not bet on, horse racing and elections. He said if this government is returned to power that this matter would be dealt with once and for all. He said if it meant going to the privy council, that is where it would go, that it would be decided once and for all, instead of being an open sore, as it had been all those years. I said to Mr. Bennett: "Would you be good enough to write me a letter to that effect?", and he said: "Yes, I will." Two or three days later the letter came. It was delivered to me in the old Russell hotel here, long before there were other hotels. He was not quite as drastic in the letter as he was in the statement he made to me, nevertheless, there was the same undertaking, that the matter would be dealt with.

The Conservative government, of which he was a member, was defeated in the following election. The Liberal party came into power. Once again we came to Ottawa and I believe the Honourable Charles Stewart, from Alberta, was the Minister of the Interior at that time; we took the letter to him. I said: "Here is a letter written in good faith by your predecessor on behalf of the government; will this government honour this and deal with



this matter?" As a result of that, a parliamentary committee was appointed. They would not agree to let the matter go to the courts, but a parliamentary committee was appointed.

I have with me today the records of that committee, which was called the Special Joint Committee of the Senate and House of Commons appointed to inquire into the claims of the allied Indian tribes of British Columbia, as set forth in their submission, submitted to parliament in June of 1926. All the evidence is in this report, and what the committee decided and did.

When their report came out they said that we failed to establish our claim, but that they would give us \$100,000 annually, and that is where that amount came from. They said that in lieu of treaty they would give us \$100,000.

But, gentlemen, so long as that title question is not dealt with, every Indian in British Columbia feels that he has been tricked, and he never will be satisfied. I want to say to this committee, in all seriousness, that you will do a good service to the country if you, in some way see to it that this is dealt with. Let us say that it be dealt with by the Supreme Court of Canada. That is as far as we can go now. We used to go to the privy council, but that is not possible now. Once again, I want to say this: if that is done, it would show the good faith of the government and it will convince the Indians of British Columbia today that the government is anxious to do what is considered just and fair for the Indians of B.C. If the case is lost, that would be settled once and for all: if we win, then you will have to deal with us. That is the history of that. Thank you, Mr. Chairman.

Mr. KORCHINSKI: I have another question, Mr. Chairman: it is in connection with the fifth paragraph. Under the departmental ruling an Indian who is off the reserve for six months is denied medical and welfare assistance. Do you feel that this regulation tends to bring the Indian back on the reserve, when he has perhaps located a job and could possibly stay away for a longer period than six months; but, feeling that if he does he will lose some of these privileges? Do you feel that that regulation should be amended?

Mr. CLIFTON: Mr. Chairman, yes, I think so, because there are many—especially along the coast—families that have to move to the cannery where they work and live. They have schools in a lot of these canneries that operate the year around, and these people have the top jobs in these canneries. They make a living all the year 'round. Perhaps in the month of December things kind of ease down, and perhaps in the month of March. Then the production is heavy again.

We feel that things like this departmental ruling on medical assistance to these native Indians—they do not go there just for the fun of it; they go there to make a living. We figure that this should not be taken away from them.

Mr. KORCHINSKI: Mr. Clifton, if I may just follow that up: I think you will agree with me that the line has to be drawn somewhere. How would you amend that particular section? That is to say, would you amend it to nine months, or would you amend it to a whole year—or where would you draw the line?

Mr. CLIFTON: I do not think you should draw a line any place—just continue, just as if he were still on the reserve.

Mr. KORCHINSKI: Do you feel any Indian who has taken on a job in industry, for example, or if he is working out and is not on a reserve at all, should be entitled to get the privileges that are granted under the regulation?

Mr. CLIFTON: Yes, I certainly do.

Dr. KELLY: If he applies for it.



Mr. SMALL: Will he not come under the national health scheme, Colonel Jones, in that case—if he is off a reserve.

Mr. JONES: Frankly, Mr. Chairman, I do not understand this reference to the committee. I am not aware of any administrative order by my branch that says that six months absence of an Indian from a reserve cuts him off any welfare. Medical—there may be something; but I doubt it. I am not aware, Mr. Chairman, of any such administrative instructions as contained in your brief, sir. I am sure there must be a misunderstanding.

Mr. HARDIE: There is another paragraph in the brief, further down, which says "18 months".

Mr. JONES: We take the view that Indians are entitled to the same services in a municipality as any other person, and once they have established residence, then they should—if they fall upon hard ways—receive the assistance of the municipal authorities. We have been very successful with that policy from coast to coast.

An Indian can come and go as he pleases, and if he comes back on the reserve, he gets his welfare assistance. But once he has established residence in accordance with the provincial welfare acts, then we feel that he has earned his entitlement to the municipal services, the same as any other person. I am not aware of any six months administrative procedure by my branch.

Mr. HOWARD: I think where there may be some difficulty in appreciating what is the problem here is that the Department of Northern Affairs and National Resources, their Indian health services branch—

Mr. HARDIE: That is the Department of Health and Welfare.

Mr. HOWARD: I am sorry; the Department of Health and Welfare. Their Indians affairs services branch may have—and I rather think they do—some sort of regulation or administrative policy in this respect, that if a person is off the reserve he is no longer able to receive the benefits provided for medical treatment, and so on, in that branch. That may be the point you are getting at.

Mr. JONES: Except when you bring in "welfare", I must stand up on my feet, because that is the responsibility of this branch. Health, as Mr. Howard says, is the responsibility of a branch of the Department of National Health and Welfare. I am not here to justify the acts of any other branch; they will be able to speak for themselves. But certainly they try to follow our procedure rather closely as to matters of residence, and we have no regulation which cuts anybody off after six months.

Mr. SMALL: I think we had the same trouble when we were discussing this with the Six Nations—

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Would you mind speaking to the Chair so we do not have any secrets, and to give the reporter a chance?

Mr. SMALL: I was going to say to Mr. Howard that we had the same difficulty—not the same difficulty, but the same misunderstanding with the Six Nations Indians when they appeared. There was some health problem, and we had it explained by Colonel Jones. Something was cleared up there.

Mr. HOWARD: Colonel Jones, is there any close liaison kept between the Indian health services branch of the Department of National Health and Welfare and the Indian Affairs branch?

Mr. JONES: Very close. We have an inter-departmental committee meeting at least once a month. That is a meeting of senior officials of both branches, because we both have problems in the field—their doctors, their nurses, our superintendents—and they make recommendations to Dr. Moore and myself as to any application of policy, and so on. We have very close working relations.

Mr. HOWARD: Do you recall discussing this question of a six months clause off the reserve?

Mr. JONES: It does not register with me at all. My memory is more familiar with "12 months".

Mr. CHARLTON: Yes, that is so.

Mr. JONES: My memory is more familiar with "12 months" than it is with six, because that is pretty near the standard pattern across the dominion. I am not too sure where the "six months" crept in. I am not familiar with it.

Mr. SMALL: Is the establishment of residence in the provinces different, to receive possible benefits?

Mr. JONES: Yes.

Mr. SMALL: Is that where the difficulty comes in?

Mr. JONES: Whatever the provincial residence clauses are, in relation to welfare services we try to work with them. But no Indian is cut off. He has to establish that right in the municipality.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): Dr. Kelly, I believe you wanted to make a comment.

Dr. KELLY: The six months is a certainty. When we heard about it—circular letters had been written from the Department of National Health and Welfare regarding this—we went to see Dr. Barclay in Vancouver, who is the medical director for British Columbia under the National Health and Welfare service. We went to his office a delegation went there representing the Native Brotherhood. We went there and asked him that question.

We said: "Is this true?" He said: "That is true; that is the ruling of the department, and now anyone who is off the reserve for six months and over does not get any health and medical advantages or treatment that are accorded to the ones on the reserve". It was this spring that we saw him; this year, in the month of May—I think it was the month of May—that we saw him and that is the ruling of that department now. There is no question about it. If Mr. Jones did not hear about it he is behind the times.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): I think we should pursue this matter further when we have a representative from the Department of Health and Welfare before us.

Any further questions?

Mr. SMALL: I think we can clear that up when we have the official from the Department of Health and Welfare with us.

Mr. HOWARD: Before you leave this, Mr. Chairman, I would like to make a few more inquiries of Dr. Kelly, if I may, with respect to the land question and the request for a judicial decision as to who is entitled to the lands in B.C.? When you speak of a judicial decision do you have knowledge of where you would start this, in which court? Could you go initially to the Supreme Court of Canada, or would it be an Exchequer Court problem? Have you gone into it to that extent?

Dr. KELLY: We, ourselves were going to start proceedings. The Native Brotherhood of British Columbia gathered up money for this purpose, to start proceedings at the Exchequer Court level.

The legal adviser we engaged advised us that unless there was something very definite in the way of law recognizing the title at any time in the past, we could not proceed with it. The aboriginal title that we would refer to, we were advised would not stand in the courts of the land. In other words, you can talk until you are black in the face; it does not mean a thing. That is what he advised us, and he dropped the case. We did not proceed. We were going to proceed this spring, from the Exchequer Court to the Supreme

Court of Canada. We cannot go and raise money every time it is necessary, because these cases are costly. This had to do with the income tax question. We based our claim on that 13th article of the terms of union—I cannot just put my finger on it—that after lands were set apart for the benefit and use of the Indians—and that would be administered by the federal government—a policy as liberal as had been followed by the colonial government, before the provincial government was set up, would continue whereby an Indian would go to the creeks and get sand, into the woods to cut wood for his fuel or for his housing needs, such as they were at that time, and go anywhere in the water to fish. There was no such a thing as taxing an Indian: there was no taxation levied on the Indian, even on his property or his personal property.

May I say this: I would not like this to go out, and Mr. Chairman, if it were possible, unless you decide otherwise, I would request this not be included in the records.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): I do not believe, Dr. Kelly, that would be possible.

Mr. MONTGOMERY: Mr. Chairman, I think the decision of the committee would be sufficient.

Mr. HOWARD: I believe it has been done in other cases.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): If the committee wishes. What is the wish of the committee?

Dr. KELLY: It is not an aspersion; it is not casting any reflection on anybody; but I would hate to quote a man unless his statement was made publicly. This statement was given to me, when I brought this matter up, by a gentleman who is in a very very responsible position. I brought up the matter of the 13th article in the terms of union, and the gentleman said, "This is what I will do—"

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Just a moment, Dr. Kelly. Are you speaking now off the record?

Dr. KELLY: I am speaking off the record now.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Just a minute, now.

Mr. HOWARD: You had better wait.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Is it agreed that Dr. Kelly should have permission to speak without recording it?

Mr. MONTGOMERY: How do you want it—a show of hands?

Mr. HOWARD: There is one other thing before that. I believe there is a gentleman representing the press here; and I wonder if we could ask that this part of our proceedings not be recorded in that fashion, too?

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Would you accede to that request, sir?

A PRESS REPRESENTATIVE: No, I cannot. You will have to make me leave the room.

Mr. MONTGOMERY: I move the committee go into camera.

Mr. HOWARD: Seconded.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): You have heard the motion, lady and gentlemen.

Mr. SMALL: Is it something you have not stated before in public; or have you made this statement in public before?

Dr. KELLY: The statement I refer to was not made in public; and I would not like to let it go out to the public unless the person who made it would give it himself.

Mr. KORCHINSKI: Would not this statement then have a bearing on any recommendations we want to make later on; or is it of such a nature we can quite well dispense with it?

Mr. SMALL: It would not prejudice or jeopardize your case, the case you have stated, would it, even if it were reported?

Dr. KELLY: It would not jeopardize it.

Mr. SMALL: Your case, your presentation?

Dr. KELLY: I do not think it will jeopardize anything, but since the statement was made by a man whose word—

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Presently this is all being recorded. Just a moment, Dr. Kelly. There has been no consent of the committee yet that it should not be recorded.

What is the wish of the committee?

Mr. MONTGOMERY: I made a motion and it was seconded, that the committee go into camera to hear this statement; and you have not put the question.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Are you ready for the question? Those in favour?

Mr. SMALL: Of what?

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Of the committee going into camera. Those in favour? Contrary?

Motion agreed to.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): I would ask the strangers to leave.

—Whereupon the proceedings continued in camera.

—Upon resuming

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Are there any further questions on section 5? If not, let us now go on to section 6.

Mr. MONTGOMERY: I understand that this 18 months should have been 6 months. That was a typographical error. Is that right?

Dr. KELLY: Well, that was the ruling of the National Health and Welfare Department.

Mr. MONTGOMERY: There is six up at the top.

Dr. KELLY: It used to be 18 months before, and recently it has been reduced to 6 months.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Yes; in your brief in the first paragraph you speak of 6 months, and then about two-thirds of the way down the page you again speak of 18 months.

Dr. KELLY: That is a statement of what has been in existence before.

Mr. MARTEL: In the first paragraph both are mentioned, both the 18 and the 6.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Are there any questions on section 6?

Mr. HOWARD: May I ask Colonel Jones a question here. You are not a commissioner, apparently, Colonel Jones, as it says here; but do you have the rank of a Deputy Minister?

Mr. JONES: No, Mr. Chairman.

Mr. HOWARD: I wonder if I might ask this: within the headquarters branch here in Ottawa how many Canadians of Indian decent, or Indians, do you have within the Department?



Mr. JONES: We have 208 Indians on our staff of approximately 2,100; there are 110 teachers, and 98 in other positions. I just do not have a breakdown of them here.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Are there any other questions?

Mr. JONES: I am sorry, I have not got it here in Ottawa just the 98.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): You can furnish us with that information?

Mr. JONES: Yes, we can furnish it.

Mr. HOWARD: Would you have the authority to employ people as your assistants and to determine as to whether they should be of Indian descent or non-Indian descent?

Mr. JONES: The hiring in the government service, as you know, is done by the Civil Service Commission. We strive for the Indian preference, all things being equal, in a competition. We hope to have our vacancies filled by qualified Indians, and they have that preference along with the veteran's preference.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Are there any further questions on section 6?

Dr. KELLY: Before you pass on to the next section, this 6 months, the withholding of the six months privilege, or rather the six months imposition of a penalty on the Indians has been a matter of very severe criticism by our people, and we have been asked to impress that on this committee just as sharply as we are able to do it.

The view taken, as we have said here, is that;

The Native Brotherhood of British Columbia asserts that an Indian who is a member of an Indian Band is entitled to all the rights and privileges of an Indian, which includes the Health and Welfare Services.

If parliament says no, then we will bow to that. But if a branch of any service on its own initiative brings in a ruling like that, we question it, and that is what we do now.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): I can assure Dr. Kelly that the committee will pursue that matter further and when we have the full facts of the case, and when we have representatives from the Department of Health and Welfare before us, they certainly will be questioned on this so that we may make proper recommendations.

Section 7?

Mr. HOWARD: I think we pretty well went around that.

The Acting Joint CHAIRMAN (*Mr. McQuillan*): Yes, we did cover that.

Dr. KELLY: What about section 6?

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): If you have anything further, very well, but nobody asked any questions on section 6.

Mr. HOWARD: Except myself.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Yes, Mr. Howard asked one question of Colonel Jones, and Colonel Jones made a statement as to the total number of Indians in the administrative branch of the department, and he said that he is going to get for us a breakdown of that number.

Dr. KELLY: That is not the point we raise here.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): We realize that, and if you wish to make any further comment, we would appreciate it.

Dr. KELLY: This was a recommendation made by a former parliamentary committee on June 22, 1948 after sitting for months, months, and months. I was going to say after sitting for years.

Mr. HOWARD: That is right.

Dr. KELLY: Yes. The sittings covered several years. And the joint committee recommended as follows:

10. The Director of the Indian Affairs Branch . . . should be named a Commissioner who shall have the rank of a Deputy Minister and shall have at least two Assistant Commissioners of whom one should be a Canadian of Indian Descent.

That was a deliberate conclusion of that committee and it was so stated and recommended to parliament.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): I am sure.

Dr. KELLY: Parliament has accepted the report, yet it has not been implemented. We believe other assistants to the commissioner have been appointed, but not one of Indian descent. That has been deliberately left out to the present time.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): Do any members of the committee wish to make any comment on that statement of Dr. Kelly's?

Mr. MONTGOMERY: The only comment I would care to make is that I think that our report will have to be based upon our findings, and whether we follow that or not, I would make no promises. I do not think I could.

Mr. CHARLTON: I do not think it would be within the committee's right, or within the government's right. When the Civil Service Commission makes an appointment, they make it on the ability of the applicant. How can we say otherwise, if the Civil Service Commission says it is the Civil Service Commission's responsibility and not our responsibility? Is that not true, Colonel Jones?

Mr. JONES: Well, the Indians do get the preference as far as our branch is concerned, all things being equal.

Mr. CHARLTON: Yes, and they have done so for quite a few years now.

Mr. JONES: All things being equal we give the Indians the preference.

Mr. CHARLTON: But they have to pass an examination the same as anybody else, under the Civil Service Commission.

Mr. JONES: That is right.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): This will undoubtedly be seriously considered by the committee before making its report. If this committee decides to make the same recommendation, let us hope there is a little more action taken on it than was the case the last time.

Shall we move on to section 7. We have covered a good deal of this this morning. Also, we have had before us Mr. Davey, the director of educational services, who gave us, at a previous meeting, quite an outline of the Indian Affairs branch's educational policy and progress.

Mr. MARTEL: I would like to know from Dr. Kelly if he can give the committee what is meant exactly in the brief by the statement that the day of denominational education has outlived its usefulness.

Dr. KELLY: There was a time when all the education of the Indians was carried out by the churches of different denominations which had missions on the different reserves, both Protestant and Roman Catholic. In those days

some of the teachers who came were volunteers for the job without much, or any, qualification except that they could read and write. That day is finished; it is not good enough.

Mr. Chairman, ladies and gentlemen, I do not refer to religious teaching when I say that, but rather the academic teaching. We want that to be very clear. We want our Indian children to be taught by properly trained teachers just the same as the children are taught in non-Indian schools. That is what we mean.

Mr. HARDIE: Are they being taught by non-qualified teachers in the province of British Columbia at the present time?

Dr. KELLY: I beg your pardon?

Mr. HARDIE: Are teachers in the province of British Columbia, in any type of school, whether missionary school, Indian day school, or municipal school, not qualified?

Dr. KELLY: Yes.

Mr. HARDIE: Where?

Dr. KELLY: In some Indian schools. When I say that I would like to qualify it. The educational department, or rather the educational director, in respect of the Indian schools has tried and is trying to raise the standard so that every teacher in an Indian school is a qualified teacher. There still are, however, places where that is not being done. Do you wish me to name the place?

Mr. HARDIE: It is all right. Do the denominational schools today not come under the Provincial School Act?

Mr. HENDERSON: Absolutely.

Dr. KELLY: The day was when they were not under any school act; they were a law unto themselves.

Mr. HARDIE: We are not interested in what was; we are interested in what is now. Is it the practice now in mission schools to hire, or to have, unqualified teachers teaching in those schools?

Dr. KELLY: All I can say is that that has been the case in the past and it may still continue in some places. I know of one place where it is.

Mr. HARDIE: You can name that.

Mr. KORCHINSKI: Perhaps there are not enough qualified teachers. I know back home of cases where we have insufficient teachers in municipal schools and have to take on what we call "sitters" because there are not enough teachers. This isolated case you are thinking of may be an example of this. Would you say it is general, and if it is, would you care to indicate what some of the reasons for that might be?

Dr. KELLY: I recognize what you say, that sometimes a teacher is brought in who is not properly qualified because of the lack of qualified teachers. What we do say, however, is that that practice should not continue so long as qualified teachers can be procured.

Mr. HARDIE: I think we should, at this point, have a statement from Mr. Jones as to what is the policy in respect of the hiring of teachers in the schools?

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Mr. Hardie, I believe we had that statement from Mr. Davey.

Mr. HARDIE: I think these people who are presenting the brief should have an idea as to what is the departmental policy in this regard at the present time.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): They undoubtedly will be reading the transcript of evidence and will be able to see what the policy is as stated by Mr. Davey.

Mr. HOWARD: May I ask Dr. Kelly a question in respect of children attending denominational schools as opposed to children attending public schools. Is it your thought that if an Indian parent, or parents, decided they wanted their child, or children, to go to a denominational school they certainly could if they wanted that arrangement, similar to the way my children go to school. If I want my children to go to a public school, I make that decision and if I decide they should go to a denominational school my wife and I make that arrangement and they attend that particular school. Is this the same thought you had in mind here?

Dr. KELLY: If the parents prefer that and put that in writing, I say it should be respected if that school system is as good as the public school. On the other hand, if it is going to be a hindrance to the advancement of the children, then I think we should do the same as we are doing in respect of the Doukhobors. We compel them to go to the public schools.

Mr. KORCHINSKI: The only difference is they are not attending school at all.

Mr. HOWARD: Would it be your thought that eventually the jurisdiction over the education of Indian children and non-Indian children should be under the provincial government authorities?

Dr. KELLY: Yes.

Mr. HOWARD: And that it should be all one?

Dr. KELLY: Yes; I think that is the goal eventually. We hope to see the day when that will come to pass.

Mr. HOWARD: Do you think that initially it may require a positive declaration on the part of the Indian affairs branch to the provincial governments that they would like them to move more quickly into the field of integrating education and transfer, in effect, the jurisdiction from the Indian affairs branch to the provinces? In other words, that they should make the initial move and suggest that the provinces might consider this and enter into more positive negotiations with them?

Dr. KELLY: Yes; I would say that. I do not know what the provinces would say about it; but I think they would recognize it as their responsibility if the Indian affairs branch were to request that. I think the initiative must be taken by the federal government through the Indian affairs branch.

Mr. HENDERSON: I received a telegram this morning, and Colonel Jones knows about this case. I will read it to you and you can thrash it out:

Would appreciate your getting action through Department Citizenship and Immigration regarding Prince George integrated high school stop imperative department pay half cost according to my letter dated March 11 stop department agreed to consider small hostels for Indian high school students stop I requested department May 25 to pay half cost of small hostels but received no reply stop action now most necessary stop

This is from Bishop O'Grady at Prince Rupert. He was here and was lobbying for a big school. Colonel Jones knows all about it. He did not get any action. He has been down here twice this spring.

The ACTING JOINT CHAIRMAN (Mr. McQuillan): Would you mind, Mr. Henderson, if I show that telegram to Dr. Kelly?

Mr. HENDERSON: No, but I do not want to lose it. It is a denominational school. Now these people integrated the white children and the Indian children in the town of Prince George. They put them with white families, and it has been very successful. The leading pupil in the school, the one who scored the highest marks, was an Indian child with a white family. They feel that is very good.



Mr. MONTGOMERY: Do they board them with the white families?

Mr. HENDERSON: Yes.

Mr. HARDIE: I think Mr. Davey, in answer to a question I asked earlier concerning the percentage of high pass students from grade 9 to 12 said that about the same percentage were in the high pass figure in residential denominational schools as in the public schools. He said they were about the same.

Mr. HENDERSON: Well, this Indian boy at Prince George had high marks; he was very successful.

Mr. HARDIE: I think Dr. Kelly said earlier today that by putting these children into these schools it would speed up the integration of the Indians into our so-called society.

I sometimes wonder if it is the Indian who needs the integration and the education or whether it is the white man. I would like to ask how many members of this committee, when they are home, have regular visits into the homes of Indians; also, how many people in Canada, living close to reservations, have visits from Indians into their homes.

I think that the integration problem concerns not only education for the Indian, but the white or non-Indian has to be educated as well. I do not think that those who do have Indians come to their homes ask them when they come to the door whether they go to a denominational school or to a municipal school before they let them enter. But, so far as integration is concerned, I think a lot of that education has to be directed toward the white man, and not the Indian.

Mr. CLIFTON: In connection with Mr. Hardie's statement concerning teaching both sides to integrate, let me say once again that in the district in which I live I go to visit the fellows with whom I made friends and then these groups of people I know come to my place. We sit around and, at times, have a cup of coffee. No liquor is allowed to come into the reserve, so I am unable to serve liquor. It is a good social drink, at times, when you meet a friend. The next best thing we do is drink tea or coffee; and all around that district—and Mr. McQuillan will back me up on this.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Mr. Martel, do you have a question?

Mr. MARTEL: Mr. Clifton, what you have told us is very good, I suppose, for your area; I think you stated you are located between two municipalities.

Mr. CLIFTON: Yes.

Mr. MARTEL: Well, that situation does not apply everywhere in Canada where we have Indian bands or tribes. There are those of them which are isolated, as in my area. In the James Bay area the integration cannot be made as quickly as would be possible in British Columbia say, around your area. In the case I mentioned, we would need more white men to move there in order to have integration.

Mr. CLIFTON: However, it is working very well where the reserve is close but, I will admit, it is going to take time before the ones in the isolated places can mix. I know a great number of them who have gone to towns or other places, became acquainted with friends they have met on the way or whom they worked, and they would be invited out to this man's place. I know of a great number of these instances. It will work out in time in the isolated places; but it is working very well where the municipalities are close by.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): That is because you have a particularly high calibre of non-Indians in that area.

Mr. HOWARD: Mr. Chairman, I have a couple of thoughts I would like to pose to this gentleman which are not specifically mentioned in the brief itself—although Mr. Clifton mentioned one a minute ago in connection with the question of liquor.

The Acting Joint CHAIRMAN (Mr. McQuillan): Mr. Clifton knows where I live; he is welcome at any time.

Mr. HOWARD: I am referring to the question of liquor. I am sure the members of the committee know my views on it; I have expressed in the house on three or four occasions that our liquor laws sometimes have reached the stage of being stupid. I wonder if we could have the opinion of Dr. Kelly or Mr. Clifton on the application of the liquor laws, not particularly the provincial liquor laws, but the reference in the Indian Act here to the question of Indians being in possession of liquor, whether it be in a beer parlour, on the reserve or in some other place.

Dr. KELLY: The viewpoint of our organization has been this: they have asked to be put under the same liquor laws—the general liquor laws—as all citizens of British Columbia, and not be treated as they are being treated now.

An Indian can go into a beer parlour or licensed premises and sit down and consume liquor, but he is not allowed to take anything out of there. He cannot have liquor on his person, that is, in his pocket, outside of his stomach, and he must not have too much of that because if he is drunk on the street he is going to be caught by the police. He is not allowed to take any into the reserve at all. Our membership felt that they should be allowed to take liquor, buy liquor in the government liquor stores or in the beer premises, just as everybody else is doing. To be denied that, they feel it is discriminatory and they would like to have that removed. Mr. Chairman, if you would permit a personal reference: as you know, I am a minister of the United Church of Canada and have held every office within the gift of the conference of my church during the presidency of our conference—including the presidency, I should say, of our conference. Yet I must take this stand. While I do not take spirits of any kind, I must take this stand, that I agree with the Indian—with my people—that you cannot forever keep him in a glass house concerning something that he must decide for himself.

Liquor is available to him now, only he goes about it in a wrong way. He deals with bootleggers and he drinks the liquor. I feel that he should be privileged to buy liquor if he wants to. It is up to him to learn to control himself and control his appetite for liquor. Nature speeds up certain things. If he takes too much liquor, he is going to pay for it in more ways than one, and many of them have already done that.

You cannot legislate for him forever as to his appetite for liquor. He will have to learn to control that himself, and to be denied that privilege is to be classed, not as a citizen but as a minor; he is a second-class citizen. Against that I know it will be said, "Well, you have, in the Indian Act, the privilege of voting for it at the different bands". When a band applies for that, provision is made for a voting in that band, and if they are in favour of it the proclamation can be made—or terms to that effect and the governor in council would instruct the province where this is done to make a proclamation so that the Indians would be entitled to purchase liquor on the same basis as other citizens.

We in the Native Brotherhood feel that is rather awkward for a band. Let us say, in our place out there, my friend Mr. Clifton's band applies for it at Comox, and the majority of voters vote for it and they are given that right. Then they come into Campbell River, which is only 28 miles away from there, and purchase liquor.

Are the R.C.M.P. able to tag every individual Indian to see where he comes from and who is able to buy liquor, when that same thing is denied to the people out there because they voted against it? We see that difficulty. It is going to encourage somebody to say, "Well, I belong to a certain band". You would have to have an identification mark on him all the time to say that he is entitled to it. Either in a certain province you give it to all of the Indians, or withhold it from them.

The British Columbia Indians feel that that right should be given to them; they have so expressed that in the conventions. And I concur in that, as much as I hate the stuff—I mean, liquor. I have seen its effects, causing poverty, hunger, distress and violence. I have seen whole families wiped out by fire when they were drunk. But in spite of that I take the view that he alone can learn how to adjust himself to the handling of liquor. Otherwise you keep him a child and decide for him, and if you expect him to become a grown up person, to have the responsibility of deciding for himself, you will have to give him that right.

Mr. HARDIE: I agree with Dr. Kelly that sooner or later the Indians are going to have to have liquor. But I would like to pose a question to Dr. Kelly. Which do you think should come first—the economic development of the Indian, or the right to bend his right elbow?

Dr. KELLY: The right to what?

Mr. HARDIE: The right to drink?

Mr. CLIFTON: Mr. Chairman—

Mr. HARDIE: I asked Dr. Kelly; I would like to get Dr. Kelly's answer to this.

Dr. KELLY: The economic development.

Mr. HARDIE: So that he may have the money in order to buy it?

Dr. KELLY: The economic development is the first thing. I take that stand. But all the same, I still say that you cannot forever deny him thinking for himself.

Mr. HARDIE: Yes, I think you are right there.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Did you wish to add something, Mr. Clifton?

Mr. CLIFTON: Yes, Mr. Chairman. Regarding Mr. Howard's question, that he never saw liquor referred to in this brief of ours—we already presented a brief to the cabinet when we were here, as Dr. Kelly said, on October 16, 1957, and when we met the provincial government last February we had that on the brief too that we presented to them. We do not want to go any further: we are just waiting now because we have already been trying to deal with it.

But the majority of all bands in our convention in Prince Rupert in December, 1958, when the vote was taken, it was unanimous. Then there was a gathering in Kamloops on April 26, I think it was—

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Of this year?

Mr. CLIFTON: Yes, 1959. There were 200 delegates from all the interior—natives—there, and when liquor was brought up we put it to a vote to see how many delegates would vote against it. But it went over, well over.

Mr. HARDIE: In the province of British Columbia, where they already have the right to go into the beer parlour, I agree that if they are going to have the right to go into beer parlours they should have the right of a liquor permit.

Mr. CLIFTON: Yes. We were invited to Victoria by the Minister of Labour, I think it was about two or three years after, or about the third year—I do not think he is there now—when the minister invited us down when he was making his speech. We figured he was going to say something good about the

Indians, so we were there and sat right on the floor of the legislative building. Of course, he introduced us, and he introduced me as "Clifton Webb". Then he came out the first year when the Indians had the privilege to go into licensed premises.

The first year, the convictions of the Indians ran to about \$60,000—that was fines. The second year it declined to \$50,000. What it is now, I do not know. That is all the report he gave. Just as Dr. Kelly said, I know that during the war years, when everything was rationed, I have seen even grandmothers in line, and fellows coming up behind that line, and a fellow would come and buy this fellow's permit, for as high as \$20. I have seen that. And I have seen a native Indian go out to a bootlegger and buy a dozen beers for \$30 and a "mickey" of liquor for as high as \$20. I have seen that too.

Mr. HARDIE: I have seen white men do that too.

Dr. KELLY: What is a "mickey"?

Mr. CLIFTON: I do not know, but they call it a "mickey". We have already been trying to deal with that question for full liquor privileges to the native Indians in the province of British Columbia.

Mr. MONTGOMERY: Do the women have a vote when they take this referendum on the question?

Mr. CLIFTON: Yes, all the women who are there voted, and we were surprised.

Mr. HOWARD: Did I understand Mr. Clifton to say a plebiscite had been conducted within your band?

Mr. CLIFTON: No, that is a reference. That is the way they put it to us: "You can have a plebiscite in each reserve". We just got a letter from one of the bands up in the interior, and they wanted to find out how they should go about setting up this plebiscite to do their voting. So we answered this fellow, and told him what to do.

Mr. HARDIE: Are there places in British Columbia where the Indians are not allowed in licensed premises?

Mr. CLIFTON: Some of them are barred.

Mr. HARDIE: But as far as the legislation is concerned, are there any Indians in B.C. who are not entitled to go into a beer parlour—who have voted in a plebiscite on a reserve, and where the majority have voted against this right?

Mr. CLIFTON: No.

Mr. HARDIE: They all have the right in British Columbia at the present time?

Mr. CLIFTON: Yes, but not to purchase liquor, to go into a liquor store. That is the way it is under the Indian Act.

Mr. HARDIE: That is a provincial provision?

Mr. CLIFTON: That is the way it is written in the act, if I am not mistaken.

Mr. HOWARD: If I may, the provisions are in the Indian Act, 95, 96 and 96-A, I believe, the sections are. They set out the procedure to be followed in so far as liquor is concerned with the Indians and there are three arrangements: (1) the province, by proclamation, can say that Indians will have the right to consume liquor in licensed premises—that is as we have it in British Columbia, they will have only the right to go into the beer parlour or cocktail bar, or something of that sort, and drink on the premises, but cannot buy any liquor in the liquor store to take it home, or in any beer parlour to take it home, or on the reserve.



Another step—this exists in Ontario, I believe—is that by proclamation the Indian can not only drink in licensed premises, but he can be in possession of liquor in the province, except on a reserve.

The third approach, or the third step—and this is a sort of completed provision—is that they will have the right to have liquor on the reserve, if it is done by a plebiscite and a majority vote of the members of that particular band.

These three steps are involved.

Mr. HENDERSON: It would be better if a lot of the Indians did not get liquor and a lot of white people too. If I had my way there would be no liquor.

Mr. HOWARD: I have one more general question, Mr. Chairman, to pose to these gentlemen before they leave. I wonder what your views would be on the suggestion that there be consultation with a similar committee to this which would meet more regularly than they have in the past; or closer consultation between the officials of the branch and the legislators every two or three years, say, with representatives of Indians, to ensure that various changes that might be necessary in the art or in the administrative policy are kept up to date with the progress that Indians make; and whether some regular consultation, every two, three or four years, or something of that nature might be beneficial to Indians and the development of the act itself?

Dr. KELLY: I think it would be a very good thing. I think something like that is necessary. Something like that has been done, and has been carried out from time to time; and I think it should become a recognized procedure and custom. It would be a very good thing for the members of parliament, through this committee, to be informed on matters concerning the Indian; and that they should be kept up to date all the time.

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): Are there any further questions?

I would like to thank Mr. Clifton and Dr. Kelly for the time they have given us, and for the very excellent evidence they have presented to us. I am sure it will be a great help to us in coming to our conclusions.

We appreciate very much the time that you have given to this committee, Dr. Kelly and Mr. Clifton.

Dr. KELLY: Thank you very much. It has been a pleasure to be with you, and to try and "educate" you. We realize what it means for you gentlemen, apart from the ordinary duties of members of parliament—both in the Senate and in the House of Commons—to take this time and to give the close attention you have given to what has been brought before you. We appreciate that very much, and we trust that some tangible results will come out of your deliberations. Thank you.

Mr. SMALL: When is the next meeting?

The ACTING JOINT CHAIRMAN (*Mr. McQuillan*): There is one more matter to be dealt with here. The committee agreed at a previous meeting that the appearance of the North American Indian Brotherhood delegates would be postponed until later.

We have received a telegram today from Mr. Andy Paull—whose first submission to the committee has been distributed already; and a second brief has been received from him, which will be distributed later today.

The telegram of today's date is this:

Because of pressing matters imperatively necessary petition committee to allow my appearance with co-delegate before they adjourn this session. Urgent. Signed Andy Paull.

It would appear to me, it would be in order to refer that request to the steering committee.

SECOND SESSION—TWENTY-FOURTH PARLIAMENT

1959



Joint Committee of the Senate and the House of Commons

on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone

and

Mr. Noël Dorion, M.P.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

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THURSDAY, JULY 9, 1959

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INCLUDING SECOND REPORT TO THE PARLIAMENT

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WITNESSES:

*From the Manitoba Indian Brotherhood:* Mr. A. J. Cook, President; and  
Mr. A. E. Thompson, Secretary.

*From the Department of Citizenship and Immigration:* Honourable Ellen  
L. Fairclough, Minister and Superintendent General of Indian Affairs;  
and Mr. H. M. Jones, Director of Indian Affairs.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

MEMBERS OF THE COMMITTEE  
FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman,</i>	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith,
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, <i>Joint Chairman,</i>	Mr. R. Leduc,
Mr. H. Badanai,	Mr. J. J. Martel,
Mr. G. W. Baldwin,	Mr. H. C. McQuillan,
Mr. M. E. Barrington,	Mr. H. J. Michaud,
Mr. A. Cadieu,	Mr. G. W. Montgomery,
Mr. J. A. Charlton,	Mr. R. Muir ( <i>Cape Breton North</i> <i>and Victoria</i> ),
Mr. G. C. Fairfield,	Hon. J. W. Pickersgill,
Mr. G. K. Fraser,	Mr. A. E. Robinson,
Mr. D. R. Gundlock,	Mr. R. H. Small,
Mr. M. A. Hardie,	Mr. E. Stefanson,
Mr. W. C. Henderson,	Mr. W. H. A. Thomas—24
Mr. F. Howard,	
Mr. S. J. Korchinski,	

Quorum—9

E. W. Innes,  
*Clerk of the Committee.*

## REPORT TO THE SENATE AND HOUSE OF COMMONS

TUESDAY, July 14, 1959

The Joint Committee of the Senate and the House of Commons on Indian Affairs has the honour to present the following as its

### SECOND REPORT

The Joint Committee of the Senate and the House of Commons on Indian Affairs was constituted by those Houses of Parliament on May 5 and April 29 respectively.

Since that time this Committee has held 12 meetings and has received information from the following: The Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Mr. Laval Fortier, Deputy Minister; Mr. H. M. Jones, Director of Indian Affairs; and other departmental officials.

In addition the Committee called and heard evidence from the following Indian groups and organizations:

1. The Six Nations Council;
2. The Six Nations Confederacy;
3. The Native Brotherhood of British Columbia;
4. The Manitoba Indian Brotherhood.

As this is the first general review of the Indian Act by a Parliamentary Committee since 1951, the Committee is of the opinion that the scope of this study and investigation must be very broad in order to properly understand and evaluate the problems and difficulties presently facing the Indian population.

It is necessary, too, for the Committee to recognize the possibility of shortcomings in the Indian Act in its present form and, if possible, to suggest the means by which that Act can be improved and strengthened, not only from an administrative standpoint, but with the purpose of assisting the Indian people in a manner that will improve their educational and economic status.

Numerous organizations, groups and private individuals have expressed a keen interest in the Committee's work and in the welfare of the Indian people. Many have expressed a desire to present briefs or to make statements orally. This is particularly true of Indian groups as well as Church and Welfare organizations.

Early in its sittings the Committee realized that it would not be possible to hear all those who wish to make representations and to adduce the necessary evidence during the short period of time at its disposal during this session. With this in mind, the Committee heard a few Indian representatives with the expectation that those not heard now would be given an opportunity to make their presentation at a later date.

Your Committee unanimously recommends that a similar Committee be appointed early in the next session of Parliament to carry on these investigations and studies.

It is further urged that those groups or organizations, who have expressed a desire to make submissions, be afforded an opportunity to submit a written brief and where necessary to support that brief by oral testimony.



In the taking of written or oral evidence, it is suggested that priority should be given to the hearing of representatives of the Indian groups, organizations or bands. These are the people primarily concerned and their views should receive particular attention.

The officials of the Indian Affairs Branch of the Department of Citizenship and Immigration and those of the Indian and Northern Health Services of the Department of National Health and Welfare can contribute materially to the effectiveness of any Committee on Indian Affairs by supplying to that Committee all the information possible to assist in an understanding of the administrative difficulties and other matters. These officials could further assist by requesting the regional supervisors to advise the Indian population of the Committee's studies and at the same time indicate to the various bands the means by which their briefs or opinions may be brought to the attention of the Committee.

This Committee wishes to express its appreciation for the information tendered by the Superintendent General of Indian Affairs, the Departmental officials and the Indian representatives.

A copy of the Committee's Minutes of Proceedings and Evidence is appended.

Respectfully submitted,

JAMES GLADSTONE,  
NOEL DORION,  
*Joint Chairmen.*

## MINUTES OF PROCEEDINGS

THURSDAY, July, 9, 1959  
(11)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 3.30 p.m. this day. The Joint Chairmen, Honourable Senator Gladstone and Mr. Noël Dorion, presided.

### *Present:*

*The Senate:* Honourable Senators Fergusson, Gladstone, Horner, Inman, and MacDonald.

*The House of Commons:* Messrs. Charlton, Dorion, Fraser, Howard, Korchinski, Martel, McQuillan, Montgomery, Muir (*Cape Breton North and Victoria*), Small, and Thomas.

*In attendance:* From the Department of Citizenship and Immigration: Honourable Ellen L. Fairclough, Minister and Superintendent General of Indian Affairs; Mr. Laval Fortier, Deputy Minister; Mr. H. M. Jones, Director of Indian Affairs; and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Joint Chairman, Mr. Dorion, expressed his thanks to Mr. McQuillan who acted as Co-chairman during the last sitting of the Committee.

The Report of the Subcommittee on Agenda and Procedure was read as follows:

1. That Andrew Paull, President of the North American Indian Brotherhood, be advised that it will not be possible for the Committee to hear his representations during this session of Parliament.
2. That the following letter be directed to Indian bands across Canada:

*(For contents of letter see printed Evidence)*

On motion of Mr. Howard, seconded by Mr. Montgomery,

*Resolved,*—That the Report of the Subcommittee on Agenda and Procedure presented this day be now concurred in.

The Honourable Ellen L. Fairclough informed the Committee that copies of the report "The Indians of British Columbia" would be made available to members of the Committee.

Messrs. Cook and Thompson were introduced and Mr. Thompson read a short prepared statement. Both made supplementary statements. The witnesses indicated that their Brotherhood did not have sufficient time to prepare a comprehensive brief. Following discussion the Chairman read into the record certain portions of the correspondence between the representatives of the Manitoba Indian Brotherhood and the Clerk of the Committee.

The Committee indicated that the Manitoba Indian Brotherhood should be permitted to make a more extensive submission when the Committee is reconstituted during the next session of Parliament.

During the proceedings, the officials of the Department of Citizenship and Immigration supplied information to the Committee.

Members of the Committee suggested that, when Indian delegations are present, a representative of the Indian and Northern Health Services of the Department of National Health and Welfare be in attendance at the meetings of this committee.

The Honourable Ellen L. Fairclough and the Joint Chairman, Honourable Senator Gladstone, spoke briefly to the Committee.

The Director of Indian Affairs tabled the following information as requested previously:

1. *Reply to question by Mr. Hardie,—re* Operating costs of Government-owned residential schools;
2. *Reply to question by Mr. Fairfield,—re* Number of Placements in different regions during 1957-58;
3. *Reply to question by Mr. Howard,—re* Number of Canadians of Indian descent, or Indians within the Headquarters branch.
4. Additional information *re Revolving funds* supplied by Indian Affairs Branch.

Agreed that the above mentioned information be included in the record (*see Appendix "B" to today's evidence*).

At 5.10 p.m. the Committee adjourned until 8.30 p.m. this day.

#### EVENING SITTING

(12)

The Joint Committee of the Senate and the House of Commons on Indian Affairs resumed at 8.35 p.m., *in camera*, the Joint Chairmen presiding.

*Present:*

*The Senate:* Honourable Senators Fergusson and Gladstone.

*The House of Commons:* Messrs. Charlton, Dorion, Henderson, Howard, Martel, McQuillan, Robinson, Small, and Thomas.

The Joint Chairmen submitted a draft "Report to the House".

Following discussion the said draft report was amended and adopted, unanimously, as amended.

The Joint Chairmen were instructed to present it to the respective Houses of Parliament.

At 9.00 p.m. the Committee adjourned to the call of the Chair.

E. W. Innes,  
*Clerk of the Committee.*

## EVIDENCE

THURSDAY, July 9, 1959.  
3:30 p.m.

The JOINT CHAIRMAN (*Mr. Dorion*): Ladies and gentlemen, first of all I would like to thank Mr. McQuillan who agreed to act as joint chairman during the last sitting of the committee. I am advised he carried out his responsibilities in a fine manner. I express my thanks to him. I was given the opportunity of sponsoring a private bill in the House of Commons, which in my opinion, is an important one for Canadian corporations.

At this time I would like to present, first of all, the report of our steering committee. Mr. Innes, the Clerk, will read the report.

The CLERK OF THE COMMITTEE: The subcommittee on agenda and procedure recommends:

1. That Andrew Paull, President of the North American Indian Brotherhood be advised that it will not be possible for the committee to hear his representations during this session of parliament.

2. That the following letter be directed to Indian bands across Canada:

Dear Sir:

During the past session of parliament, the Joint Committee of the Senate and the House of Commons on Indian Affairs was appointed to examine and consider the Indian Act, as well as Indian administration in general and, in particular, the social and economic status of the Indians.

In order to ensure that all the necessary evidence is adduced, a recommendation has been made to parliament that a similar committee be appointed early in the next session, to continue those studies.

Those bands who have special problems, suggestions for improving the social and economic lot of the Indians or any changes to recommend in the Indian Act may submit their views, in the form of a brief.

If your band council intends to submit a brief, please forward 3 copies of that brief to the undersigned before December 31, 1959.

The JOINT CHAIRMAN (*Mr. Dorion*): It is understood that this letter will be delivered only if our report is accepted.

There is a second letter to the mayors of municipalities and a third one to the provinces.

May I have a motion for the adoption of the report of the subcommittee.

Moved by Mr. Howard, seconded by Mr. Montgomery and agreed to.

The JOINT CHAIRMAN (*Mr. Dorion*): Today we have with us Chief A. J. Cook and Mr. A. E. Thompson. These gentlemen are from the Manitoba Indian Brotherhood and they have a brief. At the outset I would ask these gentlemen to inform the committee of their positions in this organization and also to give us an indication of the nature of the brotherhood.

Chief A. J. Cook (*President, Manitoba Indian Brotherhood*): Mr. Chairman, I am the president of the Manitoba Indian Brotherhood. I will read the brief which has been made out. I was not present when this brief was prepared.



At the present time, in the high schools of the Indian reserves, no provisions is made for meals. We recommend that meals be made available to students who need them and that the cost be borne by the federal government.

Many of the students who go to high school are in need of clothing, particularly in the winter months; not merely for warmth, but to maintain a feeling of self respect. We recommend that such clothing be provided, and paid for by the federal government.

Suitable homes are needed by many of our aged people. They have never been able to earn enough money to pay for such homes. We recommend that the federal government take whatever steps are necessary, to provide homes for the aged.

With the growth of population in Canada, the areas of land in the reserves no longer provides sufficient employment for our people. We recommend that action be taken which will provide proper employment for our people, at wage rates in line with the general practice in civilian employment.

Many of our chiefs and councillors do a great deal of extra work, and put in much extra time on their official duties, which prevents them from earning fully for themselves. We recommend that adequate payment be provided for chiefs and councillors.

It is often necessary for Indians to go to hospital. The present hospital plan calls for payment of \$4.10 a month for families, and \$2.05 a month for single persons. Most Indians cannot afford to pay such amounts; but they should not be denied hospital care on that account. We recommend that hospital accommodation be provided free of charge for Indians.

The cost of living has risen steadily since the end of the war, and in order to meet these higher costs the allowances for Indian veterans should be increased.

Areas where Indian reserves are located are flooded at times. These floods cause a great deal of loss and hardship. We recommend that compensation should be paid by the federal government, for damage caused by floods.

Various sections of the Indian Act should be amended.

I would like to add that in this statement there is no mention of family allowances. This is a matter which I brought up last winter at the welfare meeting. I believe it was my idea. I suggested the family allowances should be extended in respect of needy families until the child reaches the age of 18, provided he attends school. If they leave school before they reach that age it would automatically be cut off.

There are many Indian children who have the ability to learn. They have the brains to learn but lack the funds. When they reach age 16 they have to leave school in order to go to work.

I have a girl who was 16 years of age last year. She wanted to stop school because the family allowance was ending, but I said, "No. You are going to school". We sent her to the Assiniboia residential school in Winnipeg. That girl is not sorry today. She is going back again this autumn. She worked hard to pass her exams this last winter.

There are many families in the situation that they are unable to provide for their children after they become of age. These children have to go out to work and therefore lose their schooling. I think if they were given this allowance until age 18 it would be of great benefit to them in the matter of education.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you very much.

Mr. Thompson, have you anything to add?

Mr. A. E. THOMPSON (*Secretary, Manitoba Indian Brotherhood*): Mr. Chairman and hon. Mrs. Fairclough, honourable senators and members of parliament, ladies and gentlemen, you have heard the chief read the brief. It is

a very short one. We were unable to make up a proper brief. The reason the brief is so short is that we could not call up all the chiefs in Manitoba in order to consider the things which should be presented here today. Therefore, at this time we lack quite a bit of information. I hope, however, we will have another opportunity of appearing before this committee in the near future. In that event, I do hope you will give us enough time to enable us to prepare a proper brief.

There is one thing I would like to bring up at this moment which is very, very important to the Indians of Manitoba. It is in respect of enfranchisement. When an Indian is enfranchised he is unprepared to step out and compete with the white man. All those on the reserves in Manitoba whom I know, who have been enfranchised, return to the reserves, live on those reserves and live on their friends in the reserves. Therefore I believe it is a shame to allow those Indians to get out from under the treaty. I think under the Indian Act that an Indian's case must be reviewed before he is authorized to be enfranchised. If this were done, I assume steps would be taken so that he would be a burden on the provincial government or the municipalities. Often when the Indian gets out from the treaty he is a burden to the provincial government and the municipality in which he lives.

I hope you will give this your serious consideration and see that this is outlined in the amendments to the Indian Act. I am very thankful for the opportunity of being here. I thank you all for giving us this opportunity to appear before you and I think that, if at a future time we have an opportunity of preparing a proper brief, we will have more to say.

In the brief it says:

At the present time, in the high schools of the Indian reserves, no provision is made for meals.

That is right. We ask meals be made available for students who need them and that the cost be borne by the federal government. There are many Indian people in the various reserves in Manitoba who cannot afford to buy the necessities of the school pupils attending these high schools. Take, for instance, the new school at Peguis; it is a very good school which was built by the government. The pupils at that school are certainly doing very well in their studies. This is something which had not been the case in the past. I hope these peoples will continue on until they are able to go on to normal schools, university and so on in order to compete with the white man and leave the old Indian habits behind and become the equivalent of others.

I am an Indian and I am not ashamed of it; but I lack the ability you have. I wish I had it. If I had I would be doing a little bit better right now. That is all I will say. Thank you.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you very much, Mr. Thompson.

Before we enter into discussion on the brief, I would like to ask the hon. minister if she has a statement.

Hon. ELLEN L. FAIRCLOUGH (*Minister of Citizenship and Immigration, and Superintendent General of Indian Affairs*): Thank you, Mr. Chairman. I understand the other day when I was unavoidably absent from the committee the question of the Hawthorne Report came up. Over a month ago I had ordered several copies of the report for all the members of this committee. I had thought they would be available before we commenced our work. Unfortunately, they have not come in yet. We are expecting them daily and as soon as they are available they will be distributed. I wished to tell you that it had been my intention to make copies of this report available to you. I think it is a very valuable report. While it is basically reporting on the situation in British Columbia, much of what it contains applies also to other parts of Canada.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you very much.

Mr. HOWARD: Mr. Chairman, there is one matter about which I would like to ask Mr. Thompson, because he raised it; that is the mention that there was not sufficient time to prepare an extensive brief and that there was not sufficient time to consult with the chiefs of the various bands in order to see what their ideas are. I understand that in the first instance you would have received a telegram from the committee saying the committee was going to meet. Did you receive a telegram?

Mr. THOMPSON: We received a telegram. I will tell you though that we live very far apart in Manitoba. There are some chiefs who live where it takes even one month before they can get their mail; some only get their mail once a month; some twice a month; and some once a week. We could not contact them, wherein we could have had a meeting with them to review the whole brief and bring it together. So we were unable to do this. In fact, Chief Cook here had only three hours to get to his plane.

CHIEF COOK: I ate supper, packed, got into a car, got on to a plane, and I was on my way to Ottawa. They had to fly me in to do it.

Mr. HOWARD: Did you think, from the first telegram you got about the committee's hearings, that you had to come right away?

Mr. THOMPSON: I read the minutes of the proceedings of the committee. They did not state the exact date; they were uncertain as to what time they were going to be sitting here in this committee. So then I wrote Chief Cook right away, when I got that first telegram.

CHIEF COOK: But the letter is still in the mail. Where I am we get mail only once a week, and if we miss that one mail it is two weeks before we get it. That is the conditions we experience up north.

Mr. HOWARD: From the first telegram you got, the first indication you got that the committee was meeting, did you understand from that you would have to appear some time within the next month or so?

Mr. THOMPSON: I thought it would be around August, and not this month. I said we would be prepared. Then, when I was going to start writing letters to all the chiefs, I got another telegram to appear here today.

Mr. HOWARD: Could I ask you this: perhaps I had better explain what the committee is thinking of doing.

Mr. THOMPSON: Yes.

Mr. HOWARD: We hope—we cannot say yet, ourselves, we cannot do it ourselves, the House of Commons has to do it—but we hope the committee will be able to meet at the next session. It may be some time in January or February.

Mr. THOMPSON: Yes.

Mr. HOWARD: If that is so, would you be able, between now and then, to prepare a brief and contact the various bands, the various chiefs, and prepare in as much detail as you want to, the evidence you think you would like to bring before the committee?

Mr. THOMPSON: Yes, I could do that. If it is some time in January, I could call the chiefs in December.

Mr. HOWARD: That would be a better arrangement than that which is in existence right now?

Mr. THOMPSON: Yes, that is right.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you like, Mr. Howard, to know what is in the correspondence?

Mr. HOWARD: If you would like to put it on the record.

The JOINT CHAIRMAN (*Mr. Dorion*): First, on June 11, Mr. Innes sent a telegram. This is the wording of the telegram:

The joint committee on Indian Affairs is now preparing its agenda and would like to know if your organization wishes to be heard and the earliest possible date when your representative could appear before the committee stop. When your reply is received it will be considered and you will be further advised as to arrangements stop Similar message sent to Chief Alfred Cook. Wire reply.

This was sent to Mr. Thompson.

Then a letter was written on June 10 to Mr. Cook:

The joint committee on Indian Affairs is now preparing its agenda and would like to know if your organization wishes to be heard.

Please advise us of the earliest possible date your representative could appear before the committee.

When your reply is received it will be considered and you will be further advised as to necessary arrangements.

Would you be good enough to wire the necessary information to the undersigned.

Yours sincerely,

E. W. Innes.

We received a telegram, coming from Mr. Thompson:

We of the Manitoba Indian Brotherhood will be prepared to appear before the joint committee whenever called for.

This is dated June 16; and on June 25 Mr. Innes wrote a letter to Mr. Thomson:

As indicated in my letter to you dated June 24, 1959, the joint committee of the Senate and the House of Commons on Indian Affairs will hear your submission during the week of July 5 to July 11, 1959. You will be advised of the precise time and place later.

In the meantime I am forwarding to you a copy of the committee's minutes of proceedings and evidence. Number 1. At pages 3 and 4 of these proceedings you will find the committee's terms of reference.

Please note that these terms of reference are rather broad and the committee is not restricted to a consideration of The Indian Act and amendments thereto, but may make inquiries of a very broad nature.

Hoping that this information will be of some assistance to you in the preparation of your brief.

I remain,

Yours sincerely,

We received a telegram from Chief Cook—no, it was a letter:

Re your dated June 10, 1959, just received, yes I would like to represent my organization in person as I have a few important matters I would like to have on the agenda.

Yours sincerely,

Chief A. J. Cook.

Mr. Innes answered by telegram—

Senator HORNER: What date is that, Mr. Chairman?

The JOINT CHAIRMAN (*Mr. Dorion*): June 19.

The next stage was the telegram sent by Mr. Innes:

Your note of June 19 received today. Joint committee on Indian Affairs has agreed to hear representatives of Manitoba Indian Brotherhood during week of July 5 to 11. Precise time will be wired later. Committee will pay expenses of only two delegates. Please contact your secretary Thompson for further information.



Then there is a letter written by Mr. Innes. This letter was written on June 24 to Mr. Thompson:

The joint committee of the Senate and the House of Commons on Indian Affairs has agreed to hear your submission during the week of July 5 to July 11, 1959.

A precise time for the hearing has not been set, but you will be advised later by telegram, of the place and date.

It is desirable that you bring 75 copies of your brief for the information of the members of the committee. If this is not possible, please forward immediately, one copy to the undersigned so that it may be mimeographed before the meeting.

Your organization will be permitted to have two official delegates. The committee will pay reasonable travel expenses and living allowances for those delegates only. Living allowances will not be paid for a period of more than two days in Ottawa.

Please acknowledge receipt of this letter and advise me if these arrangements are satisfactory, subject to the setting of an exact time for the hearing.

I understand after that he was advised of the exact date by the following telegram on July 2:

The joint committee of Senate and House of Commons will hear the presentation of Manitoba Indian Brotherhood on Thursday July ninth at three thirty in afternoon in parliament buildings stop Please confirm this message stop Similar message to Thompson.

This message was sent to Mr. Cook, and a similar message was sent to Chief Thompson.

On July 4, we received from Mr. Cook an answer by telegram:

Message received okay.

Mr. MARTEL: Mr. Chairman, while we are on that point, it seems to me that the chief, Mr. Cook, and Mr. Thompson were not advised soon enough. I would like to clarify how this list of those who would be invited to attend, was made up at the beginning.

The JOINT CHAIRMAN (*Mr. Dorion*): It was made up at the beginning, when we discussed the matter before the steering committee, and I believe it was approved after by the committee as a whole.

We received many requests to appear, but many of these groups were not ready to be heard early in July, or before the end of July. That is the reason why we made the list as it was formed.

Mr. MARTEL: Because I understood there was a group from Alberta who were to appear.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Mr. MARTEL: I suppose the date would not suit them. They were ready to appear later.

The JOINT CHAIRMAN (*Mr. Dorion*): I do not remember that. That is after the middle of July.

Mr. MARTEL: It was too late for this session.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Mr. MONTGOMERY: Mr. Chairman, I wonder if the witnesses can tell us how many members there are in the Manitoba Indian Brotherhood?

Chief Cook: The number?

Mr. MONTGOMERY: What is your membership?

Chief Cook: I am making a rough guess—between 20,000 and 22,000.

Mr. MONTGOMERY: You represent the total Indian population?

Chief COOK: Yes, that is what I represent, in Manitoba.

Mr. MONTGOMERY: There is no other group?

Chief COOK: No, just the province of Manitoba. There may be more or less, but that is just a rough estimation.

Senator HORNER: Your numbers are widely scattered?

Chief COOK: Yes.

Senator HORNER: They are away up in Nelson?

Chief COOK: Yes, as far as Churchill. We have nothing to do with the Northwest Territories. It is just in Manitoba, the province of Manitoba.

Mr. MCQUILLAN: These schools you refer to, are they public schools or denominational schools?

Chief COOK: They are mostly denominational. I think they are all operated on government finance, the schools; but they are operated by the different denominations. I think the government provide the funds for the operation of the schools.

Mr. MCQUILLAN: Do all your children attend denominational schools?

Chief COOK: Yes.

Mr. MCQUILLAN: They all go to denominational schools?

Chief COOK: Yes, they all go to denominational schools.

Senator MACDONALD: When you speak of denominational schools do you mean those operated by the federal government, or the provincial government?

Chief COOK: I believe they are operated by the federal government. That is, the Indian affairs branch operates most outside the public schools. I am referring to Indian schools.

Senator MACDONALD: I know.

Mr. MCQUILLAN: Perhaps there is some confusion here. When I said "denominational" I mean church schools.

Chief COOK: Yes, I know what you mean.

Mr. MCQUILLAN: They are church schools?

Chief COOK: Yes.

Mr. THOMPSON: I understand you are referring to residential schools.

Mr. MCQUILLAN: Not necessarily.

Mr. THOMPSON: No.

Chief COOK: It could be residential and day schools.

Mr. MCQUILLAN: You have no Indian children attending public schools, as we have in British Columbia?

Chief COOK: Yes, there are some in Winnipeg and some in other places as well.

Mr. SMALL: Chief, I see there are bands listed under the province there. How many of those bands do you represent?

Chief COOK: All those bands that are in the province; all bands of reservations.

Mr. MARTEL: They are all in the one organization?

Chief COOK: Yes, the one organization.

Mr. SMALL: You are elected as the president of that organization?

Chief COOK: Yes, that is right.

Senator MACDONALD: I would like to follow that question up, Mr. Chairman.

About how many bands or chiefs, and so forth, would you have to call together to form a brief for the next session of parliament?

Chief Cook: How many reservations?

Senator MACDONALD: How many there are, approximately, at least?

Chief Cook: How many chiefs?

Senator MACDONALD: About 1,000?

Chief Cook: No, it would be about 50 chiefs. There is one chief for each reservation.

Mr. SMALL: That is 107 then?

Chief Cook: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Howard?

Mr. HOWARD: Mr. Chairman, I wonder if I might—because of the initial comments of Mr. Thompson and because of the last sentence on this brief which says: “the various sections of the Indian Act should be amended”, without any indication as to what these sections are that should be amended or how they should be amended—I wonder if I might inquire whether the Manitoba federation, your organization, feels it would be desirable if the committee meets again at the next session—and I rather hope and think it will—but whether you would like to spend more time between now and then on preparing more details to appear before the committee at the next session, also?

Mr. THOMPSON: I understand this committee, at present, is not able to give any final decisions on such amendments of the revised act. Is that correct, Mr. Chairman?

Mr. HOWARD: Because it is at the end of the session we are not able to, though I think the committee, if they wanted to, could make recommendations. I think I am speaking for the committee when I say that, because we have not had sufficient time, we view it as unwise to make any suggestions until we hear everything.

Mr. THOMPSON: Yes, I think it would be easier.

Chief Cook: These various amendments of the Indian Act—there are sections in the act that are confusing, which we would like to get amended.

Mr. HOWARD: What I was getting at is, whether at the next session, if the committee meets—whether between now and then you would be able to make specific or definite suggestions—what changes are necessary; what should be eliminated; and what should be added; and so on.

Chief Cook: Yes.

Mr. HOWARD: Which, apparently, you have not had time to do right now.

Chief Cook: Yes, that is right; and that would give us much more time to do this. I was not around, in fact, when these resolutions were made out; and there were some I would like to have in there, such as that on family allowances.

By the time you told me to contact Mr. Thompson—and I had no other way than mail—he said that he wrote to me as soon as he got the first telegram or letter, or whatever it was, from you, and I have not received it yet.

The JOINT CHAIRMAN (*Mr. Dorion*): I believe the hon. minister will have a comment to make.

Hon. Mrs. FAIRCLOUGH: It is unfortunate, I think, there was apparently some misunderstanding; and I would suggest you take what time you need to prepare your brief and present it next year—I am reasonably sure this committee is going to meet again next year.

In the meantime, I presume, the Manitoba brotherhood will have a joint meeting?

Chief Cook: Yes.

Hon. Mrs. FAIRCLOUGH: That will give you ample opportunity to make your submission in the form that would meet with the approval of all of your people; and also to set out, probably in a little more detail the presentation you wish to make.

Chief Cook: Yes.

Hon. Mrs. FAIRCLOUGH: If that would meet with your approval, I think, Mr. Chairman, we might make that suggestion. I am sure the committee would be in accord with it.

Chief Cook: Yes, that would be very good. We could have everything ready next year.

Mr. THOMAS: That would be incorporated in the recommendations to the house, I take it, Mr. Chairman?

The JOINT CHAIRMAN (*Mr. Dorion*): I do not think that is necessary.

Hon. Mrs. FAIRCLOUGH: No.

The JOINT CHAIRMAN (*Mr. Dorion*): I do not believe that is necessary.

Mr. THOMAS: We will be making a report to the house before the end of this session?

Hon. Mrs. FAIRCLOUGH: Probably.

Mr. THOMAS: This will be contained in that report?

Hon. Mrs. FAIRCLOUGH: I do not think that will be necessary. If the committee indicates to the chief that the Manitoba Brotherhood would be welcome to return with a fuller brief, that is all that is necessary. I believe, in so far as the house is concerned, that is all it is concerned with—the fact that the committee does not feel its work is completed; and that it should meet again next year.

I do not think it would be necessary to mention that in the report. It will be shown in the proceedings.

Mr. MONTGOMERY: I would think the members of the committee here today would no doubt be unanimous in that suggestion of the minister's. It may be of course that none or all of us will be on the committee next year, but I think any committee could deal with it.

Mr. SMALL: There seems to have been some misunderstanding with the different witnesses who have appeared here in regard to the question of hospitalization and what the present department does. Would you mind, when you take this back to your people, going into it a little more carefully and thoroughly and seeing if it cannot be straightened out?

Chief Cook: I saw that myself. That was on the agenda, so I read it. As far as I know, where we are, up in the north, we have no trouble about hospitalization whatsoever, and transportation. The government takes care of all that. These words appeared on here so I just read them. I do not know about the gentlemen further south. I am talking about the northern part of Manitoba, with which I am acquainted.

Mr. SMALL: In your presentation there seems to be some lack of understanding as to what really happens, and I think you should go into it further to obtain a true picture of it.

Mr. MONTGOMERY: I have a question on schools. Shall we proceed to take up the first paragraph?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes, it would be better. We will have to come back to it at the next session, and I do not know if we need to go into every detail of this brief, because I understand the witnesses will prepare another brief for the next committee.

Mr. SMALL: We are not satisfied with the present brief.



The JOINT CHAIRMAN (*Mr. Dorion*): Perhaps you might think it would be better to postpone the discussion.

Senator FERGUSON: Could we not discuss some of the things which are brought out here?

The JOINT CHAIRMAN (*Mr. Dorion*): If they are ready to answer, yes.

Mr. MONTGOMERY: I would like to ask a question in connection with schools.

Senator FERGUSON: And I would like to ask a question too.

The JOINT CHAIRMAN (*Mr. Dorion*): It might be a good idea to hear from Mr. Jones who could give us the basic information we want on the question of hospitalization. Would you give the committee the basic information we want, Mr. Jones?

Mr. H. M. JONES (*Director of Indian Affairs*): Mr. Chairman, I would like to remind the members of the committee that the responsibility for the cost of providing medical and hospital attention for the Indians of Canada does not rest with this branch or with this department. It rests with the Department of National Health and Welfare. It is their policy to provide free medical and hospital care for every indigent Indian in Canada. That is their policy.

Mr. THOMAS: Might we ask Colonel Jones if he could give us some light on the yardstick which they use to measure indigency?

Mr. JONES: Well, that branch, and that department is moving from complete free medical service for all Indians to a contributory system whereby the Indians who are able to should pay for all or some portion of their medical or hospital care. At the present time the understanding is that this will be for the first year on a purely voluntary basis, mainly an approach to the bands which have sufficient funds that could come either wholly or in part under the provincial hospital scheme.

Mr. THOMAS: You mean to take the cost of hospitalization for the entire band out of band funds where they are available?

Mr. JONES: Yes, in whole or in part; but they are approaching it on a voluntary basis for the first year. Some bands have brought their membership under the hospitalization scheme through their band funds; some of them have done it partly, with the Department of National Health and Welfare picking up the other part, the two-thirds; and this is done on a voluntary basis on an approach to the bands to see if they themselves will assist the government where they can.

Mr. THOMAS: Is this use of band funds for hospitalization entirely consistent with the original purpose of those band funds?

Mr. JONES: Oh yes, it is done in accordance with the act. It is quite proper. It is an approach to try to get the individuals and the bands throughout Canada wherever possible to assume in whole or in part their medical cost. But the present approach is through our inter-departmental committee, and it has been a voluntary movement through education for the bands that can afford to cover their members with group hospital insurance.

Mr. THOMAS: Who stands the cost of an indigent Indian if the band is not willing to stand it? Is it the Indian Affairs branch or the Department of National Health and Welfare?

Mr. JONES: We do not stand the cost of any medical or hospital services. That is under another department. Therefore the hospital cost of any indigent Indian would be charged to the Department of National Health and Welfare, the Indian and northern health services branch.

Mr. THOMAS: Who undertakes to persuade the Indians? Who sells them the idea? Is that the health service, or the Indian affairs branch?

Mr. JONES: It is their responsibility. We provide the background information, but it is the responsibility of another department, not ours.

Mr. THOMAS: Do you find that the Indian bands pretty well across the country are in favour of this, or is there a tendency to hold on to their band funds for other purposes?

Mr. JONES: My experience has been that there is a reluctance on the part of some bands to use any of their funds for this purpose, because they have the feeling that they have been receiving free attention up to now, so they do not see the reason it should not be continued. Some bands have taken one view of it and have fought the idea; other bands accept it. That is why for the first year, as far as we are concerned in Indian affairs, it is only on a voluntary approach.

Mr. THOMAS: Could you give us any idea percentagewise of the Indian bands that have appreciable funds on hand, or sufficient funds to pay for this hospitalization over any appreciable length of time? To me it looks rather tough to take the last few hundred dollars out of an Indian band fund to pay for hospitalization.

Mr. JONES: I think in fairness to the department that they only want this to be dealt with by those bands which have the money available for other purposes such as roads, relief, and that sort of thing, and that it would form part of an annual and regular budget.

Mr. THOMAS: Would you care to make a comment on the number of Indian bands which would have sufficient funds available percentagewise, such as one-half, three-quarters, and so on?

Mr. JONES: In answer to Mr. Thomas' question, I think he is after the bands which have sufficient funds.

Mr. THOMAS: That is right.

Mr. JONES: I would not think it would be in excess of 20 per cent; I say that from guesswork.

Mr. McQUILLAN: Is it not the responsibility of the department to provide hospitalization for Indians? I mean the Department of Indian Affairs?

Mr. JONES: It was taken away from our department in 1946 and placed in the Department of National Health and Welfare, where they formed a separate branch known as Indian and northern health services.

Mr. McQUILLAN: But the responsibility is still there, regardless of what department has it.

Mr. THOMAS: It is a responsibility which formerly rested on the public, on the Canadian people, who were paying all the costs of Indian health care.

Mr. JONES: That is right.

Mr. THOMAS: And they took care of it for many years up to the present time. It was just recently that this move was taken to attempt to try to persuade the Indians to give up funds where there might be sufficient now to do that.

Mr. JONES: That is right.

The ACTING CHAIRMAN (Mr. Dorion): That health service is headed by Dr. Victor Moore. It is a special service.

Mr. JONES: Yes, it is the Indian and northern health service.

Mr. HOWARD: I wish to express a thought, not to ask a question; it will not apply to the meeting at this session, because I take it this will probably be the last one. But we have on a number of occasions had reference made to National Health and Welfare Services which applied to the Indian people. I wonder whether it would not be wise if at subsequent meetings of the com-

mittee at the next session, that when we have delegations from various organizations of Indian people, whether in addition to Colonel Jones and the officers of his branch being here—and it is very kind of them to appear assiduously at the committee, and to give us any information that they have—but also in view of the dual jurisdiction, that is, the jurisdiction falling into two departments—for the committee to ask whether Dr. Moore or some of his staff in the Indian and Northern Health Service might attend committee meetings also, so that we might obtain from them an understanding of the policy or the approach in so far as the Indian and Northern Health Services are concerned, of the Department of National Health and Welfare; and in addition to having the policy and approach and the statistical information from the Indian affairs branch?

The JOINT CHAIRMAN (*Mr. Dorion*): I would like to have the opinion of the minister in that regard.

Hon. Mrs. FAIRCLOUGH: I think it would be advisable, and I shall undertake to make the approach to the Minister of National Health and Welfare to see if he will send his officials to the meetings of the Committee.

Mr. HOWARD: We have found this conflict before.

Mr. SMALL: We have run into this difficulty ever since we started.

Mr. HOWARD: I think it would be a very good idea if you would undertake to do that.

Hon. Mrs. FAIRCLOUGH: I think that probably the approach should come from the Chairman. But I would be glad to add my word to his.

Mr. MARTEL: On this question of welfare and medical services, in the brief presented to us the other day by the Native Brotherhood of British Columbia they mentioned that according to the instructions given to them by the National Health and Welfare service, an Indian who is off the reserve for six months thereby forfeits his claim to health and welfare services. I wonder if the same rule applies to the Indians in Manitoba, and if not, then what are they referring to in this particular paragraph of their brief?

Chief Cook: Yes, that also operates in the case of Manitoba.

Mr. MARTEL: You say:

Most Indians cannot afford to pay such amounts;

When you make that reference, do you mean that Indians who live off the reserves are not getting any help?

Chief Cook: Not through the Indian Department, no. But they do get it through welfare. They have nothing to do with them when they are off the reserve for six months. They are disowned by the Indian department.

Senator MACDONALD: In other words, they are recognized as we are.

Chief Cook: That is right, they are recognized as you are, because they figure that if they leave the reserves, they are capable of making a better living. So the Indian department prefers to have it that way. That is the reason, I guess, why they will not have anything to do with them after that six months gap.

Mr. SMALL: It is a matter of establishing residence in order to qualify off the reserves.

Chief Cook: When an Indian leaves the reserve it is figured that he is capable of making a better living, and the government figures it does not need to help him.

Hon. Mrs. FAIRCLOUGH: I think, with all deference to the Chief, I should correct that statement. The period is twelve months, not six months. I do not think we should leave that in the record incorrectly.

Chief Cook: I am sorry. I made a mistake.

Hon. Mrs. FAIRCLOUGH: In British Columbia the same thing applies; it is twelve months.

Mr. KORCHINSKI: I wonder if it is not a question of the case of an Indian who left the reserve after twelve months that they are pleading here? That is my impression.

Chief Cook: Oh no. I am not speaking on their behalf. I am speaking on behalf of the ones who are on the reserves at the present time, because those who are off the reserves are considered to be white men.

Senator MacDONALD: In other words, they are on their own.

Chief Cook: Yes. When we got our treaty not many years ago, an Indian said: "I am a white man now." And they said: "You will have to change your colour first."

Senator HORNER: After twelve months he forfeits his share of the band fund.

Chief Cook: That is right.

The JOINT CHAIRMAN (Mr. Dorion): Let us return to the brief. Are there any questions on paragraph 1?

Mr. MONTGOMERY: In the British Columbia brief it was impressed upon the committee quite strongly that they preferred to have their children taken into the ordinary public schools, and that to quite an extent a great many of them do. They prefer that school, and to have their children brought up with non-Indians right from the beginning, rather than to have schools on the reserves.

Since you are going to come back, there is one question I would like to put to you for future consideration: what does your organization feel about this? Do you prefer to keep your schools on the reserves and to educate your children among yourselves at Indian schools, or would you prefer to come under the provincial system and to do away with the reserve schools, in some places at least where you can do so conveniently, and to have your children grow up with non-Indian children and be educated at non-Indian schools, that is, in the ordinary public schools of the province?

Chief Cook: I would answer your question with a yes and a no. I would prefer to have little children educated on the reserves until they get to grade 8, that is, to have them at home until grade 8, and then to ship them out, because in that way they would have a better understanding, and be able to speak with their white friends more.

Senator FERGUSSON: Is that your opinion, or the opinion of the group. That is my own opinion. I was asked for my opinion and I gave it.

Mr. MONTGOMERY: What I was coming to is that we would like to have the opinion of your brotherhood, when you come back.

Chief Cook: I thought you meant my opinion, so I gave you my opinion. But when they reach grade 8, it is my opinion—and I think it is also the opinion of many of the bands—that we should educate them until they reach grade 8 at home, and after that ship them into the city where we have a residential school operated by the Roman Catholic church. The funds are provided by the government, but it is operated by the fathers. I know, because I have children going to school there from grade 8 on up.

Mr. THOMAS: Do the children of all your people go to that school?

Chief Cook: It is just for that particular denomination. They are all treaty Indians, and they are all Roman Catholics.

Mr. THOMAS: Where is its location?

Chief Cook: It is on Assiniboia.

Mr. THOMAS: In Winnipeg?



Chief Cook: Yes, in Winnipeg.

Mr. THOMAS: Where is your band located?

Chief Cook: They are located about 150 miles north of Winnipeg, half way down the lake on the east border. It is away south of God's Lake, and about 150 miles north of Winnipeg along the shore of Lake Winnipeg.

Mr. THOMPSON: Like the brief of the British Columbia Indians, I do not object to integration. I would like to see my children mixed in with white children, more than has been the case in the past. Of course, in respect to the reserve from which I come, there has been a mixed up pattern. I was raised with white people for a long, long time. I could take you right back to the great grandfather of Chief Peguis. He was the man who helped to set up the Scots colonization, and his children and his neighbours' children mixed in with the white peoples' children. These people are civilized. I do not want my people to turn back the clock. I want them to advance in their studies and to become something, and to have good professions wherein they can compete with white people.

I appreciate that fact being brought up, and I am in favour of integration. We therefore observe that practice in our reserves. We believe in going out. We have quite a number of our people now in the towns and cities where their children are attending these all-white schools.

Mr. FORTNER: You mean the public schools.

Mr. THOMPSON: The public schools; and they are achieving success in their studies. We have quite a few nurses and teachers on the reserves, clergymen and so on. Some of them are going in for that too. That is what I was supposed to go in for, but I was foolish enough to leave school, otherwise I might have been one of them.

So on the question of our children attending schools such as the one we have at Peguis which is operated by the department of Indian education, or by the department of Indian affairs—is that right?

Hon. Mrs. FAIRCLOUGH: Yes.

Mr. THOMPSON: There is not just one denomination attending that school. There are Roman Catholics, United Church, Anglicans—yes there are even Holy Rollers going to that school.

Mr. SMALL: What, no Presbyterians at all?

Mr. THOMPSON: And when you come to mix up our Indian people with whites, things will increase better and better every year. I am glad to say that that is just what is happening.

Chief Cook: If you should go to Winnipeg and walk about the streets you would be surprised to see Indian children walking along with white children on their way to school. I am not against it. I am referring to the northern part of Manitoba where they are very backward. I have been among white men all my life; I was brought up among them. I am from the same reserve that Mr. Thompson is from, and I was born in the same place.

Mr. THOMAS: Where?

Chief Cook: I was christened by Bishop Anderson who used to be Bishop at Old St. Peter's, where I was born. Then I got transferred and I went among the soldiers. I am really a Cree.

Mr. McQUILLAN: My questions has already been partly answered, but if you had an opportunity of sending your children to the common schools with white children, would you prefer it?

Mr. THOMPSON: I would take no exception to that whatsoever.

But the first paragraph just brought up, if you would go back to that, "At the present time, in the high schools of the Indian reserves..."—that should

be all schools. There are children from the reserve attending school, and you know what children are, how they laugh at one another. The parents of those children are poor and they cannot pay for their meals. People are having a hard time to have those children attending school. That is the reason why the Manitoba Indian Brotherhood put in that brief I sent you, Mr. Gladstone. I guess you got it, but we have not had an answer to that yet. We asked for the same thing.

We would like to ask the department to be good enough to help us out in regard to these meals, on account of the parents of the children being hard up. They are trying to do their best; they want to see their children educated, and the Indians of Manitoba are getting more interested in education. I would like the children to have education, because I know it is the only thing they can rely upon in the future.

That is one reason why we ask that this one noon day meal be given to those children attending schools. So I would be glad if that could be granted, and so would the other reserves who are in the same fix as we are, not only in Peguis but other reserves in Manitoba.

Mr. THOMAS: Is there a meal service in the school to which you refer?

Mr. THOMPSON: I am referring to the paragraph in here now; but the one you ask for, I am not objecting to that, because our people want these meals provided in the high schools—

Mr. THOMAS: Do these schools have a cafeteria or dining room in them now?

Mr. THOMPSON: No, not as yet. It is just a new school. And the others, I do not think they have.

Mr. THOMAS: How would you go about providing them with meals?

Mr. THOMPSON: How?

Mr. THOMAS: Yes.

Chief Cook: We want the cost borne by the federal government.

Mr. THOMAS: Would you send them down town to buy their dinner in a restaurant?

Mr. THOMPSON: No—right in the school. There could be a little building put up where they could serve meals; they could have a cook there, who could cook one meal a day.

Chief Cook: Not so very many years ago they used to provide a noon day meal for the children.

Mr. KORCHINSKI: I wonder if I might go back to something Mr. Thompson mentioned a few moments ago? I know Chief Cook left us the impression he would like to see his children remain on the reserve—at least, where it is not possible to send them where they could become integrated with the whites—and at least keep them until grade 8.

I wonder if you could tell us, Mr. Thompson, what your impression is in such a case? Why it is preferable, perhaps, to have the children integrated, or assimilated in that manner? Sometimes it is not possible—and you are quite aware of the situation in Manitoba, that in many cases it is a long way to a suitable point.

What is your impression in such a case: would you prefer to have your children go from the beginning into such centres—taken away from home life, and so on, and educated in those centres, or would you prefer the education to be brought to them, so to speak?

Mr. THOMPSON: What I am referring to is this: if those parents are willing and prepared to let their children go to those public schools, if the opportunity was good I would like to see that done, providing there was some assistance

coming to those children for their noon day meal, and so on. Every parent cannot afford to send their children to such public schools. But I think the Department of Indian Education is doing their best, as far as I am concerned. But there were no such steps taken in Manitoba to ask the Department of Indian Affairs before on such matters as requesting help for those children attending public schools.

In fact, I think the others who came to this place before—I knew the gentlemen here before—from Manitoba never mentioned a word about schools like public schools. To my understanding, I think they just came here to listen and did not even answer the questions brought up before them. So this time we would like to get some consideration on whatever we request. In fact, we are doing our best anyway to try and bring up these things to you gentlemen, and I hope there will be some results.

Mr. KORCHINSKI: Then can I assume that, while it is preferable to have the children integrated in that way, you do not object too strenuously where you can see that it is hardly possible?

Mr. THOMPSON: Yes, I understand what you mean; but I still do not object to any resolution passed in that respect, because in my opinion it would be a good thing. I am not against school: if they have a chance to go there, let them go. It is up to the parents to encourage their children to attend those schools.

The JOINT CHAIRMAN (*Mr. Dorion*): Do you express only your own opinion, or is it the opinion of the majority of your group, or organization?

Mr. THOMPSON: I beg your pardon?

The JOINT CHAIRMAN (*Mr. Dorion*): I would like to know if you express, in regard to that matter, only your own opinion, or is it the opinion of the majority of your group?

Mr. THOMPSON: At present.

The JOINT CHAIRMAN (*Mr. Dorion*): It is a very important question.

Mr. THOMPSON: Yes.

Senator HORNER: You cannot do much until you consult your people?

Mr. THOMPSON: We will see all the chiefs in Manitoba at the next meeting. I am just suggesting this at present.

Chief Cook: This is just our own opinion; we have not contacted them.

The JOINT CHAIRMAN (*Mr. Dorion*): It would be a good idea to discuss that opinion before your group, and at the next meeting of the committee you could tell us the feelings of your group.

Chief Cook: Some of these I think are not properly worded.

Hon. Mrs. FAIRCLOUGH: You feel you would really like to take this brief back and compile another one?

Chief Cook: Yes—reword it.

Hon. Mrs. FAIRCLOUGH: And come back with better information?

Chief Cook: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): Perhaps it would be better to postpone the discussion, because we are getting personal opinions.

Mr. THOMPSON: We could give them a month and a half's notice.

Mr. McQUILLAN: Mr. Chairman, would you mind pointing out to the two witnesses that the reporter can only take down notes of one at a time, and I notice that he is having quite a time with them.

Mr. THOMAS: If we might go back to the question of meals in schools: can Mr. Thompson or Chief Cook explain why they ask for meals to be provided in the high schools on the reserves, but not necessarily in the public schools on the reserves?

Chief Cook: That is what I was talking about; that is why I said this first paragraph here I do not think was properly worded. I think it should refer to day schools rather than high schools alone.

Mr. THOMPSON: We have high schools.

Chief Cook: Yes; but you also have day schools, and I think they would require the same thing.

Senator HORNER: In public schools, many of them have lunch at noon, do they not?

Chief Cook: Yes, which are provided by the parents. The public schools, and all those residential schools, should be fed and looked after.

Mr. THOMPSON: Public schools.

Chief Cook: I do not think this refers only to high schools; I think it should be all day schools. It only refers to high schools here; but I think all day schools should ask for that, not only the high schools, because the other kiddies have got to eat as well.

Mr. THOMPSON: We had eight day schools in my reserve.

Chief Cook: And no doubt they would want meals in all those day schools, not only the high schools. Why let the little ones go hungry and feed the big ones? The others would learn nothing, if they cannot eat.

Mr. SMALL: Could I get a little information about the conditions on the reserves? I hear you have got 50 bands and 107 reserves, and about 524,000 acres. What is the size of the reserve? Is there any farming done on it?

Chief Cook: There two groups of Indians. I will say we call one the plain Indians, who are in agricultural districts. Then we have the bush Indians, and their only source of livelihood is trapping and fishing; they cannot farm in those parts, because it is up in northern Manitoba. I guess, no doubt, some of you have travelled in it. You see what it is like in Ontario here—rock and muskeg, rivers and lakes. You get the same thing in northern Manitoba. So those are the only two sources of livehood that they have—trapping and fishing. The plain Indians have a chance to farm—mixed farming.

Senator HORNER: Do you keep cattle?

Chief Cook: We cannot keep cattle where I am; I am in the northern wilds, you might say. I have been up north in summer for the first time on all those reserves, and they are very, very, hard up; there is no means of livelihood—no employment. Their only source of livelihood is fishing and trapping.

Mr. SMALL: Are the reserves big enough for them to get a living off?

Chief Cook: No, not financially. They cannot live on vegetables alone.

Senator HORNER: Are there not a number working in the new mine that has gone up there?

Chief Cook: But there are a lot of reserves in the northern part of Manitoba and they cannot all get employment. There are some; but that is only a few, considering the population.

Mr. THOMAS: Are the Indians interested at all in the wild rice industry in Manitoba?

Chief Cook: Yes; they did well on it last year, but this year I do not think the crop is going to bear half, or even a third of what they got last year. On account of the high water, everything is flooded this year.

Senator HORNER: They did very well last year?

Chief Cook: Yes.

Mr. SMALL: You have some good agricultural areas there. Are they fully tilled, or are they in full use?



Chief COOK: Some of them have just gardens, and the soil is very poor.

Senator HORNER: We are talking about the agricultural part.

Chief COOK: This gentleman knows more about it than I do.

Mr. THOMPSON: On my reserve I think there are now something like 5,000 acres under cultivation. Four years last year we had a very cold and dry summer, so most of us went to summer fallow. This year that summer fallow has to be summer fallowed again, due to cold and rainy weather; every time it got dry a big rain would come down and it got flooded and drowned.

I do not know if there will be a couple of hundred acres this year in Peguis alone. Peguis reserve comprises 75,000 acres.

Mr. SMALL: If the Indians were divided amongst the reserves—which they may not be—there would only be about 5,000 acres to a reserve. Some would be larger?

Mr. THOMPSON: Some have over 200 acres under cultivation—those who are interested in farming.

Senator HORNER: You have an abundance of wild hay to cut?

Mr. THOMPSON: Yes, we have wild hay; but there is about a foot of water on our hay.

The JOINT CHAIRMAN (*Mr. Dorion*): We are far from the order which we fixed. I would like to proceed in order. I understood from what Chief Cook was saying that it is their intention to come back next year, to prepare a new brief and discuss all these questions with the members of the committee, in order to have the exact opinion of the majority—because we cannot have personal opinions only in order to bring a change to the act. You understand that?

Chief COOK: That is right.

The JOINT CHAIRMAN (*Mr. Dorion*): Do you think it would be advisable to postpone that discussion, and you will come back at the next meeting?

Chief COOK: Yes, I do.

The JOINT CHAIRMAN (*Mr. Dorion*): Are you ready to do that?

Chief COOK: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): If you agree, I believe it would be better, because we just have some small points that we could possibly discuss.

Senator FERGUSON: As long as we have entered into a discussion on education, there is one point in which I am very much interested. I would like to ask Chief Cook and Mr. Thompson if they will go into it perhaps more deeply. That is the question of homes for the aged.

I would like to know what was in their minds when they suggested that suitable homes are needed, and they should be provided. Do you mean institutions for aged people? Do you mean building little homes for them? If you do not want to answer that today; that is all right. But I would just like, when you come back, if you would give us what your brotherhood has in mind when you say you need homes for aged people. That is something in which I am very interested, and it is the first time it has occurred in a brief so far, I think.

Senator MACDONALD: I think you are right.

Senator FERGUSON: That is all. We do not need to enter into the discussion now; but I would like to be sure that when they come back they will come prepared to answer questions on that subject.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Mr. THOMPSON: Take my wife and me: we are keeping an old lady at the moment. She was supposed to have been adopted, but she was not adopted at all. My father-in-law was a Hudson's Bay man, and he paid for keeping his daughter—my wife. But this old lady was paid every month for keeping my wife, to the time we were married.

We kept this old lady because none of the relatives would keep her. She is now bed-ridden and cannot do anything for herself—someone has to see to her always. We tried to get help, and could not get help. They do not want to keep her in hospital. I would request a little help for keeping this old lady.

Senator FERGUSON: You think that perhaps there should be places where older people could go, even if they are confined to bed?

Mr. THOMPSON: Homes put up for them where their children could keep them; that is what we mean here. There are a lot of people in different reserves who have not got the right homes.

Chief Cook: This will have to be reworded.

Mr. THOMPSON: Yes.

Chief Cook: If they had institutions, they would have people looking after the old people, who have never been able to earn enough money to pay for these homes.

Senator FERGUSON: I think it would be very interesting if you could tell us about some of those things.

Chief Cook: After all, people like that do not want to leave home. Some of them go to an institution, and they do not approve. They are brought up on a reserve. There should be a place on the reserve where they were brought up, where they could be taken care of, because by the time they die they have paid for their own homes—the wood—and they have nothing left. The cost of living out there is much greater than it is in the cities.

Senator FERGUSON: Thank you, Mr. Chairman.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you, sir. I invite Senator Gladstone to say the last word, this being the last meeting of our committee.

The JOINT CHAIRMAN (*Senator Gladstone*): Ladies and gentlemen of the committee: as we are almost at the end of our meetings for this Session, I would like to make a few comments from the standpoint of an Indian. So far we have heard some interesting submissions, although I hope that more emphasis will be placed by the Indian delegations on specific changes they wish to see in the Act.

In my travels to the various Indian reserves, there have been many comments made about this committee, and they are looking to it to find a solution to many of our problems. Compulsory enfranchisement, and franchise and the liquor question are all very important points which I hope that future delegations will discuss.

I would also like to make an observation about the employees of the Indian Affairs branch. We have some very devoted men, both here and in the field. But we also encounter a cold formality that sometimes makes us wonder whether the officials consider the human aspect of our problems, or just the administrative side. I have always felt that it should be a definite provision that any man holding an official position in the Indian Affairs branch in Ottawa should have served for some time on an Indian reserve so that he knows Indians from personal contact rather than through official reports.

Also, there has been a gradual trend towards closer work with the provincial governments in the integration of our people. The school curriculums are on the provincial level and some of our appeals can now be made to the provincial courts. I wonder if the government couldn't go a step further in adopting

pertinent parts of provincial municipal acts for the administration of the reserves?

I don't want to say too much at the present time. I want to wait until we have heard from all our people, so that I will be in a better position to know how they feel about certain matters. During the summer I will try to visit more of the reserves and get them to prepare their submissions for the next session.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you very much, Senator. I believe that Colonel Jones wished to table some figures with regard to questions which were put to him.

Colonel H. M. JONES (*Director of Indian Affairs*): Do you wish me to read them, with the questions asked on which we said we would get the information, or shall I table them?

The JOINT CHAIRMAN (*Mr. Dorion*): Table them. Do you have a copy for everyone?

Mr. MARTEL: They will be printed in the minutes?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes. I would like to ask Mrs. Fairclough if she has anything to add.

Hon. MRS. FAIRCLOUGH: Mr. Chairman, I really have not too much to add. Do you require a motion from this meeting with reference to resuming next year, or can that be mentioned in the report?

The JOINT CHAIRMAN (*Mr. Dorion*): We will have another meeting just for preparing our report to the Senate.

Hon. MRS. FAIRCLOUGH: I feel rather disappointed that we did not get the committee started early enough this year to have had more representations from the Indians themselves. However, that happened to be something over which I had no control. These things sometimes happen in the House, and the reason is that the actual work of the House goes on and it is sometimes difficult to get everything one would like to do accomplished in the first few weeks of the session.

However, if we can have this committee reorganized next year, we can get an earlier start on this work. I am looking forward keenly to the representations that the Indians themselves will make. I must say that I agree with Senator Gladstone in what he has said, and I propose to visit the Indian bands this year, as I think I told you earlier in the committee sittings.

If all goes well, I hope to spend the first week of August in Manitoba, the second week in Alberta and the third week in British Columbia. This is really a trip that was planned last year and had to be postponed.

I will not have the time to visit Saskatchewan this year so I presume I will have to put that off for another year. However, I expect to visit the other provinces and I have no doubt, when I return, I will have a great deal more information than I have at the present time. I am looking forward very keenly to this trip.

The JOINT CHAIRMAN (*Mr. Dorion*): Well, possibly the committee would adopt the report now, or would you rather have another meeting this evening?

Mr. MONTGOMERY: Do you have it prepared?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes. It was adopted by the steering committee, but I have no copies. Would you prefer to come back this evening?

Mr. THOMAS: I think it is usually customary to hold these committees in camera.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes, that is right. Is it agreeable that we meet at 8.30 this evening?

Agreed.

## APPENDIX "B"

*Re: operating costs Government-owned Residential Schools*  
(question of Mr. Hardie June 17, 1959.)

MR. HARDIE asked:

I wonder if some time you would give me an idea of how the operating costs are split in arriving at these figures. I would like to know all the factors which make up your operating costs?

Answer:

The following statements are a break-down of the per capita cost of operations at the Fort Vermilion and Assumption Government-owned Indian Residential Schools for the calendar year 1958.

Ft. Vermilion I.R.S.—Based on Average Enrolment of 111.

*Per Capita Cost of Operations 1958*

Salaries—Domestic Staff.....	332 13
Salaries—Teachers.....	205 55
Clothing.....	55 78
Food.....	103 19
Light, Fuel, Water etc.....	64 26
Building Repairs.....	51 44
Household Maintenance.....	20 35
Transportation.....	9 49
Freight, Express and Cartage.....	12 01
Miscellaneous.....	9 12
Gross Operating Cost.....	863 32
Less Miscellaneous Revenues.....	11 80
Net Operating Cost.....	851 52

Assumption Indian Residential School—Based on Average Enrolment of 104

*Per Capita Cost of Operations 1958*

Salaries—Domestic Staff.....	353 17
Salaries—Teachers.....	137 69
Clothing.....	53 68
Food.....	57 36
Light, Fuel, Water, Etc.....	18 20
Building Repairs.....	99 75
Household Maintenance.....	32 53
Transportation.....	18 66
Freight and Express.....	19 19
Miscellaneous.....	18 58
Gross Operating Cost.....	808 81
Less Miscellaneous Revenues.....	36 56
Net Operating Cost.....	772 25



DR. GEORGE C. FAIRFIELD—PORTAGE-NEEPAWA

*Question:* Would it be possible for you to get the number of placements in the different regions for the year 1957-58?

*Answer:* In considering the following statistics on placements it should be noted that the Placement Program was initiated in the British Columbia, Alberta and Southern Ontario regions at the beginning of the fiscal year 1957-58. In the case of the Manitoba region, however, the program was started in October 1957.

*Permanent urban placements* effected during 1957-58 through the efforts of the Placement Officer working closely with National Employment Service on behalf of carefully selected candidates are as follows: British Columbia 66, Alberta 15, Manitoba 12, and Southern Ontario 15. These figures do not include jobs obtained by Indians on their own, or through the efforts of the Indian Superintendent working at the Agency level. This information has not been available to date but it is hoped that in the near future statistics can be gathered on this aspect of the program. Also excluded are temporary placements made by the Placement Officer to provide a work assessment of individual candidates who are uncertain about the occupation which they wish to follow but who desire employment. Where possible vocational aptitude testing facilities are used to assist the Indians in choosing a vocation.

*Rural and seasonal placements* effected during 1957-58 through the efforts of the Placement Officers are as follows: British Columbia 27, Alberta 617, (this includes over 200 Indians placed in Southern Alberta beet fields), Manitoba 46 (during period January 1—March 31, 1958), Southern Ontario 60.

Comparative figures are given for 1958-59. In this connection it should be noted that Placement Officers were appointed to Northern Ontario and Quebec in September 1958.

*Permanent urban placements* British Columbia 80, Alberta 24, Manitoba 7 (16 others were awaiting placement as of March 31, 1959. Twelve have since been placed), and Southern Ontario 42. Figures for Northern Ontario and Quebec are insignificant for 1958-59 as the programs were only beginning to take shape in these regions as a result of the work of the Placement Officers with National Employment Service, employers, unions, with agency staffs, and Indian bands and councils.

*Rural and seasonal placements* British Columbia 141, Alberta 1228 (includes approximately 1000 beet workers), Manitoba 62, and Southern Ontario 45.

In reviewing the statistics on urban placements it should be borne in mind that many more candidates have entered the placement program in British Columbia and Southern Ontario following vocational training than has been the case to date in the other regions. This is because of the fact that more Indian students in British Columbia and Southern Ontario have reached the academic levels required for vocational training than Indian students elsewhere. Secondly, many Indian students, particularly those trained in nursing, nursing assistants, typists, and stenographers, are placed directly by the school without reference to the Placement Officer. Statistics on placement are not available on these students who receive training in various centres throughout the different regions as yet. It is intended that data on this aspect of the program will be gathered, and made available in future.

*Question by:*

*Mr. Howard—July 3rd.*

I wonder if I might ask this: within the headquarters branch here in Ottawa how many Canadians of Indian descent, or Indians, do you have within the Department.

*Answer:* 9—one administrative officer, 4 in clerical positions and 4 stenographers and typists.

## SUPPLEMENTARY INFORMATION SUPPLIED BY INDIAN AFFAIRS BRANCH

REVOLVING FUND LOANS AS AT MARCH 31, 1959.

These figures include accumulated Interest

Provinces	Current Loans		In Good Standing		Amount in Arrears	
	No.	Amount	No.	Amount	No.	
		\$		\$		\$
Prince Edward Island . . . . .	7	2,607.43	1	1,000.00	6	1,607.43
Nova Scotia . . . . .	24	10,052.87	0	1,695.34	24	8,357.53
New Brunswick . . . . .	22	4,009.83	1	1,615.71	21	2,394.12
Quebec . . . . .	20	7,179.46	3	4,255.94	17	2,923.52
Ontario . . . . .	105	100,540.43	21	53,612.65	84	46,927.78
Manitoba . . . . .	32	27,219.37	3	2,732.16	29	24,487.21
Saskatchewan . . . . .	227	195,680.39	88	132,506.04	139	63,174.35
Alberta . . . . .	10	4,765.03	1	1,463.85	9	3,301.18
British Columbia . . . . .	75	94,441.08	16	52,698.42	59	41,742.66
Yukon . . . . .	1	114.70	0	—	1	114.70
	523	446,610.59	134	251,580.11	389	195,030.48

## CURRENT REVOLVING FUND LOANS

BY PURPOSE AND BY PROVINCE AS AT JULY 7, 1959

Province	Agriculture		Forestry		Fishing		Motor Vehicles		Handicraft		Guiding		Miscellaneous		Totals	
	No.	Amount	No.	Amount	No.	Amount	No.	Amount	No.	Amount	No.	Amount	No.	Amount	No.	Amount
Prince Edward Island.....	1	1,000.00			6	1,850.00									7	2,850.00
Nova Scotia.....	10	2,721.05	3	2,800.00	4	1,618.75	8	13,119.43	2	1,000.00			1	300.00	28	21,559.23
New Brunswick.....	4	800.00	1	295.00	3	1,342.00	3	2,900.00	1	1,000.00	13	3,113.00	1	150.00	26	9,600.00
Quebec.....	10	12,210.00	6	2,223.00	4	665.00			1	175.00			1	352.00	22	15,625.00
Ontario.....	54	80,613.09	1	352.00	10	6,783.55	6	23,760.25					37	38,240.00	108	149,748.89
Manitoba.....	16	13,006.90	5	22,100.00	9	3,216.54	1	1,580.00					1	600.00	32	40,503.44
Saskatchewan.....	244	329,630.20	1	256.00	1	380.00	4	6,595.00					2	1,750.00	252	338,611.20
Alberta.....	9	7,920.00											1	150.00	10	8,070.00
British Columbia.....	30	37,741.51	9	28,293.91	47	101,074.46	2	3,525.00							88	170,634.88
Yukon.....							1	500.00					2	1,250.00	3	1,750.00
TOTALS.....	378	485,642.75	26	56,319.91	84	116,930.30	25	51,979.68	4	2,175.00	13	3,113.00	46	42,792.00	576	758,952.64

NOTE: (The amounts shown represent the total loan as originally approved and not the amount currently owed.)

















BINDING SECT.

OCT 13 1983

